UNITED NATIONS

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Security Council

Distr.
GENERAL

S/24376
4 August 1992

ORIGINAL: ENGLISH

LETTER DATED 4 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE UNITED STATES MISSION TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In view of reports of abuses of civilian prisoners in camps throughout the former Yugoslavia, I have been instructed by my Government to request an immediate meeting of the Security Council to discuss the situation.

I would appreciate it if you would have this letter circulated as a document of the Security Council.

(Signed) Alexander F. WATSON
Chargé d'affaires a.i.

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UNITED
NATIONS

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Security Council

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GENERAL

S/24377
4 August 1992
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 4 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF VENEZUELA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

There have been reports in the international communication media about concentration camps and the torture of citizens of the Republic of Bosnia and Herzegovina by citizens of the Federal Republic of Yugoslavia.

Clearly, in view of their nature, these atrocities, committed by citizens of one country against another, which is also a member of our Organization, cannot be regarded as internal acts that violate human rights, but rather as inhuman acts of aggression by one country against another which continue to constitute a serious threat to international peace and security.

As I indicated to you earlier in our conversation this morning, I should be grateful if you would convene an urgent meeting of the Security Council to discuss this matter with the seriousness which it deserves.

(Signed) Diego ARRIA
Permanent Representative of
Venezuela to the United Nations

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UNITED NATIONS

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Security Council

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GENERAL

S/24378
4 August 1992

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3103rd meeting, held on 4 August 1992, in connection with the Council's consideration of the item entitled:

"Letter dated 4 August 1992 from the Chargé d'affaires a.i. of the United States Mission to the United Nations addressed to the President of the Security Council (S/24376)

"Letter dated 4 August 1992 from the Permanent Representative of Venezuela to the United Nations addressed to the President of the Security Council (S/24377)".

"The Security Council is deeply concerned at the continuing reports of widespread violations of international humanitarian law and in particular reports of the imprisonment and abuse of civilians in camps, prisons and detention centres within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina. The Council condemns any such violations and abuses and demands that relevant international organizations, and in particular the International Committee of the Red Cross (ICRC), be granted immediate, unimpeded and continued access to all such places and calls upon all parties to do all in their power to facilitate such access. The Council further calls upon all parties, States, international organizations and non-governmental organizations to make immediately available to the Council any further information they might possess regarding these camps and access to them.

"The Council reaffirms that all parties are bound to comply with the obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches.

"The Council will remain actively seized of this issue."

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Security Council

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S/24379
4 August 1992

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

After consultations held on 4 August 1992, the President of the Security Council made the following statement to the media on behalf of the members of the Council:

"The members of the Security Council condemn the recent cowardly attack on UNPROFOR positions in Sarajevo resulting in loss of life and injuries among the Ukrainian servicemen. The members of the Council note that UNPROFOR has already commenced investigation of this incident.

"The members of the Council express their condolences to the family of the officer killed and to the Government of Ukraine.

"The members of the Council also express their condolences to the families of the two French officers of UNPROFOR killed in Croatia and to the Government of France.

"The members of the Council call upon all parties to ensure that those responsible for these intolerable acts are quickly called to account.

"The members of the Council reiterate their demand that all parties and others concerned take the necessary measures to secure the safety of UNPROFOR personnel."

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Security Council

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GENERAL

S/24380
5 August 1992

ORIGINAL: ENGLISH

NOTE VERBALE DATED 21 JULY 1992 FROM THE PERMANENT MISSION OF THE MARSHALL ISLANDS TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Marshall Islands to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to request that the following be circulated as a document of the United Nations Security Council.

The Government of the Marshall Islands wishes to inform the Secretary-General that the Marshall Islands is in the process of complying with United Nations Security Council resolution 757 (1992) concerning the imposition of sanctions against the Federal Republic of Yugoslavia, and has the honour to indicate that the Marshall Islands has conformed and intends to continue conforming with its obligations under paragraphs 4 to 9 of resolution 757 (1992).

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UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/24381
5 August 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 3 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith a memorandum showing the impact of the implementation of Security Council resolution 748 (1992) on the youth and sports sector.

I should be grateful if you would have the memorandum circulated as an official document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

92-36498 3342i (E) 060892 060892 060892

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Annex

Memorandum showing the impact of the implementation of Security Council resolution 748 (1992) on the youth and sports sector

As in the case of the other sectors, such as those of health, education and social welfare, which are concerned with the handicapped, the disabled and the elderly, the implementation of Security Council resolution 748 (1992) has affected the youth and sports sector. The resolution's impact on this sector has been as follows:

1. Obstruction of the completion of the sectoral infrastructure of sports and youth installations through delay in the execution of contracts for the completion of projects owing to the delay in the arrival of some equipment, fittings and other necessities covered by such contracts.

2. Cancellation of many youth and sports programmes calling for the sending of sports and youth groups to participate in external activities (sports and youth gatherings, conferences, symposiums, courses and meetings), whether at the bilateral, Arab, continental or world levels.

3. The reduction to a minimum of the number of sports and youth groups sent abroad because of the aerial embargo.

4. An increase in the length of time for which sports and youth groups are sent to participate in events abroad, which has resulted in increased hard currency expenditures on such groups.

5. An increase in the costs of airline tickets for such groups because there are no direct air links between the Jamahiriya and the State to which any particular sports or youth group is being sent.

6. Lack of external sports contact for Libyan sports teams, leading to a decline in the technical level of Libyan sports teams, since they are unable to implement joint programmes because of the increased cost and the difficulty of travel.

7. Abstention from the hosting of sports and youth events and meetings in the Jamahiriya in view of the difficulties faced by the youth of other States in travelling to the Jamahiriya.

8. Suspension of airmail correspondence, whether sent out by Libyan youth and sports organizations or addressed to it by comparable Arab, African, Mediterranean or international organizations.

9. The difficulty of using sea and land routes to reach other countries of the world.

10. The halting of individual youth initiatives as a result of the rise in the cost of travel and the need to obtain entry visas for other States, since there are no direct air links, not to mention the waiting period for young people seeking visas. In this regard, we might point out that the team of the great Jamahiriya participating in the twenty-fifth Olympic Games being held at Barcelona is the smallest numerically. It was felt that participation should be symbolic so that the youth of this country should not be deprived of attendance at Olympic, international, continental and Arab sports and youth activities.

UNITED
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Security Council

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GENERAL

S/24382
7 August 1992

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Reaffirming its resolution 743 (1992) and all subsequent resolutions relating to the United Nations Protection Force (UNPROFOR),

Having examined the report of the Secretary-General of 27 July 1992 (S/24353 and Add.1) in which the Secretary-General recommended certain enlargements in the mandate and strength of UNPROFOR,

Taking note of the letter dated 7 August 1992 from the Deputy Prime Minister of the Republic of Croatia to the President of the Security Council (S/24390, annex),

1. Approves the Secretary-General's report;

2. Authorizes the enlargements of UNPROFOR's mandate and strength recommended by the Secretary-General in that report;

3. Reiterates its demand that all parties and others concerned cooperate with UNPROFOR in implementing the mandate entrusted to it by the Security Council;

4. Condemns resolutely the abuses committed against the civilian population, particularly on ethnic grounds, as referred to in paragraphs 14-16 of the above-mentioned report of the Secretary-General.

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UNITED
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Security Council

Distr.
GENERAL

S/24383
5 August 1992

ORIGINAL: ENGLISH

LETTER DATED 5 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF AUSTRALIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Australian Government is deeply distressed by the widespread violations of the most basic principles of humanitarian law in the conflict in the former Yugoslavia. Among these violations have been reports of particularly disturbing abuses in certain detention centres in Bosnia and Herzegovina.

The Australian Government wishes to associate itself with the Security Council's condemnation of these violations of humanitarian law contained in the Council's statement of 4 August (S/24378). The Australian Government supports the Council's demand that immediate, unimpeded and continuous access be given to groups like the International Committee of the Red Cross to all detention camps on the territory of the former Yugoslavia.

The widening cycle of violence makes it more urgent than ever for the parties principal and the international community to redouble efforts to find a political resolution to this tragic conflict.

I would be grateful if you could arrange to have this letter circulated as a document of the Security Council.

(Signed) Gillian BIRD
Chargé d'affaires a.i.

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UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/24384
5 August 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 5 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to call your attention to the behaviour and public statements of certain American elements participating in the inspection teams of the Special Commission and the International Atomic Energy Agency (IAEA) operating in Iraq. They clearly reflect a lack of impartiality on the part of the inspectors in question and their departure from the mandate laid down in Security Council resolution 687 (1991), and they also illustrate the anti-Iraqi political objectives that underlie their assignment to these duties.

In our letter dated 31 October 1991 addressed to the Secretary-General and the President of the Security Council (document S/23197), we drew attention to the testimony of a French expert who participated in the second nuclear inspection team, headed by the American intelligence officer David Kay, as reported in the French newspaper Libération in its issue for 22 October 1991. Concerning his American colleagues in the team, the expert stated that they were apparently American CIA agents who were working more on behalf of the CIA than on behalf of the United Nations. Regrettably, David Kay was again assigned to head a team, the sixth nuclear inspection team. On that occasion too he demonstrated that he was not an impartial inspector operating on instructions from the United Nations and in accordance with its mandate but was performing the task entrusted to him by American intelligence. He proceeded to transmit the Iraqi documents obtained directly to Washington and not to the United Nations. Ambassador Ekéus, the Executive Chairman of the Special Commission, admitted as much in his statement of 30 September 1991, when he said that Washington had received particular information from David Kay concerning the Iraqi documents before it was received by the United Nations.

When his true functions could no longer be concealed, David Kay was dismissed by IAEA in a dramatic manner. He nevertheless continued to make inflammatory statements against the people of Iraq, thereby underscoring all of the legitimate questions concerning the principles on which the inspectors of the Special Commission and IAEA were selected, particularly the Americans.

In its issue for Sunday, 26 July 1992, The Washington Post published an article by David Kay in which he urged the United States military to use force to close the road between Amman and Baghdad and to destroy the electric power grid in Iraq.

David Kay's call for crimes and acts of aggression in violation of all international covenants and humanitarian law to be committed in order to inflict harm and starvation on the people of Iraq and destroy the remainder of the country is a further increment in the behaviour and public statements of other Americans who have been employed in the inspection teams. The most recent such example is that provided by Major Karen Jansen, Chief Inspector with the UNSCOM 39 inspection team, who was entrusted with the task of fabricating the crisis at the premises of the Ministry of Agriculture and Irrigation and who said, in a statement made on 11 July 1992, that she would have been most proud to have served in the coalition forces opposing Iraq during the Gulf crisis.

These and many other evidentiary facts entail for those charged with implementing the tasks assigned to United Nations bodies a responsibility to derive the true lessons from these practices with a view to preserving the credibility and independence of the Organization.

I am transmitting to you herewith a copy of the article by David Kay referred to above.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

Annex

David A. Kay

Report From an Inspector/Hostage

The United Nations must show it can meet the challenges of the post-Cold War world.

It was only last September that a United Nations inspection team that I led, having seized documentary evidence of Iraq's secret nuclear weapons program, found itself held hostage for four days in a Baghdad parking lot. On that occasion the determination and unity of the Security Council and the perseverance of the team resulted in a successful outcome—the team was finally safely released by the Iraqis and with more than 60,000 pages of documents in hand proving, in Iraq's own words, the extent of its nuclear ambitions.

The rooting out of the Iraqi nuclear program took on a new air of urgency. Beyond the immediate impact of the parking lot siege, that event—as it was on a worldwide media and diplomatic stage—gave a tremendous lift to the prestige of the U.N. and to the expectations of what a reinvigorated Security Council might accomplish in dealing with the increasingly dangerous debris left by the end of the Cold War. There was a surge of pride, accomplishment and expectations among personnel serving on U.N. missions worldwide that at last they were being backed up by governments in their often hazardous, frustrating and unrecognized efforts to carry out peacekeeping and humanitarian tasks.

In the period since last September, the surge of new tasks assigned to the U.N.—Cambodia, Yugoslavia, Somalia—seemed to indicate that the optimism born in that Baghdad parking lot was justified. Governments have been indicating that they believe the United Nations is both necessary and capable of meeting the challenges posed by the breakdown of the old international order and can provide the discipline necessary for a new, more secure international framework. Indeed, many of us who have spent our professional lifetimes working for multilateral security and economic arrangements have been heard to murmur that governments are becoming decidedly too free in assigning new tasks to the United Nations without providing it with the necessary resources to carry out those tasks.

For my part, I have taken the view that while U.N. resources should be increased, the essential requirement is that the Security Council must clearly indicate that when it orders U.N. actions—whether it be in Iraq, Yugoslavia or Cambodia—it will back its representatives up by collective and unilateral action if they are frustrated in their activities by local authorities. If that essential ingredient is not there—as it was during the car park siege—then no amount of additional resources will be adequate to sustain the U.N.'s role.

It is in this context that I believe events outside the Iraqi Ministry of Agriculture must be assessed and action must now be taken. The Iraqi authorities have displayed disgusting behavior that is clearly in violation the cease-fire arrangements that ended the gulf war and U.N. Security Council Resolution 687. If they are allowed to get away with this, we will never know the full extent of their weapons programs and we will be unable to monitor Iraqi compliance with the agreement not to rebuild such capabilities. Equally important, other local authorities faced with U.N. mandates will realize that they too can, if they chose their time wisely, threaten U.N. staff and walk away from Security Council mandates.

What is to be done? A first step would be to use the necessary power to enforce the existing sanctions. I have always told friends that I felt I was at risk on the Amman-Baghdad highway than I did in the Baghdad parking lot. The truck traffic that runs steadily day and night would test the skills of the most experienced Beltway driver. If the Jordanians will

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not close this off voluntarily, then surely the U.S. military can and should do it.

Second, the Iraqis should be informed that unless there is immediate full and final compliance with all aspects of Resolution 687, then the necessary military actions will be taken to bring the nationwide electric grid down and to keep it down until they comply. It is marvelous testimony to the engineering and managerial skill of the Iraqis that they have been able to largely reconstruct this grid after the war. They take deserved pride in this because they recognize that without this grid the regime probably would not have been able to survive this long. The Iraqis, more than most Americans, understand the technical ingenuity and skill that the coalition military displayed in initially taking out the grid and recognize the ease with which this can be again accomplished.

Again, what is at stake is not just Iraq, as important as I believe it to be to ensure that it complies with the requirements of the terms that ended the gulf war. What is at stake is the authority of the Security Council to develop the framework that will allow the world that is emerging from the Cold War to have some degree of assurance that the future will indeed be different from the past. There is much that has been accomplished toward this objective, and many brave men and women wearing blue U.N. berets are risking their lives to aid this progress. But unless governments back up these efforts when tyrants throw down the gauntlet, then there is little that will be accomplished and much to fear for.

The writer headed three inspection teams in Iraq. He is secretary-general of the Uranium Institute, an industrial association concerned with peaceful uses of nuclear energy.

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Security Council

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S/24385
5 August 1992
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 5 AUGUST 1992 FROM THE PERMANENT
REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and further to our previous letters concerning violations by the Kuwaiti side of the provisions of the cease-fire, I should like to inform you of fresh incidents of Kuwaiti violations, as follows:

1. At 0800 hours on 29 July 1992, a Kuwaiti excavator, accompanied by a military army vehicle, was observed levelling the area in front of the Safwan guard post to a distance of 1 kilometre from the guardpost.

2. At 1000 hours on 30 July 1992, a Kuwaiti patrol armed with sub-machine-guns in seven Chevrolet pick-up trucks (five white, two grey), approached the farm of the Iraqi national Jabir Khafayan and fired at its inhabitants, wrecking the farm's tractor and driving out the people who had lived there for more than 30 years. The pretext was that the land was Kuwaiti territory.

The Kuwaiti side's repetition of such attacks is aimed at provocation and constitutes a flagrant violation of the provisions of the cease-fire as stipulated in Security Council resolution 687 (1991) as well as a breach of the instructions relating to the demilitarized zone.

The Government of the Republic of Iraq, in calling your attention to the significance of this, vehemently protests against these blatant assaults on the security of Iraq and the safety of its nationals and its farms and holds the Kuwaiti side responsible for the consequences of such violations.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

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S/24386
5 August 1992
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 3 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF BELGIUM TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to your communication of 30 July 1992, I wish to revert to the document you transmitted on that occasion to the members of the Security Council.

That document contained the preliminary text of part I of the interim report on the human rights situation in Iraq. It was prepared by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights in accordance with Commission resolution 1992/71, as approved by Economic and Social Council decision 1992/241. The interim report will be submitted to the General Assembly at its forty-seventh session. Reference is made in the closing summary of the report to Security Council resolution 688 (1991).

As in the case of the first report by Mr. Max van der Stoel on the human rights situation in Iraq (S/23685 and Add.1), I should be grateful if you would have the text of this letter, together with the annexed part I of the interim report on the human rights situation in Iraq, distributed as a document of the Security Council.

(Signed) Frans van DAELE
Chargé d'affaires a.i.

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Annex

[Original: English]

Interim report on the situation of human rights in Iraq prepared by Mr. Max van der Stoel, Special Rapporteur

Part I

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Part I

INTRODUCTION

1. Subsequent to Commission on Human Rights resolution 1991/74 of 6 March 1991, entitled "Situation of human rights in Iraq", Mr. Max van der Stoel was appointed by the Chairman of the Commission to serve as Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq. Pursuant to the terms of Commission resolution 1991/74, as approved by Economic and Social Council decision 1991/256 of 31 March 1991, Mr. van der Stoel took up his duties in an individual capacity and subsequently delivered an interim report (A/46/647) to the General Assembly on 13 November 1991, following with his full report (S/23685/Add.1; E/CN.4/1992/31) to the Commission on Human Rights on 18 February 1992.

2. On the basis of the Special Rapporteur's reports to the General Assembly and the Commission on Human Rights, his mandate was extended for a second year by Commission resolution 1992/71 of 5 March 1992. Resolution 1992/71 was approved by the Economic and Social Council in its decision 1992/241 of 20 July 1992. Accordingly, Mr. van der Stoel was requested to submit an interim report to the General Assembly at its forty-seventh session and a final report to the Commission on Human Rights at its forty-ninth session.

3. In the light of the considerable number of serious allegations of human rights violations, in the southern marsh area of Iraq, several of which emanate from reliable sources and certain of which the Special Rapporteur has been able to confirm independently, the Special Rapporteur feels that the urgency of the situation is such as to require the division of his report into two parts. While part I of the Special Rapporteur's interim report concerns itself with the current situation in the southern marshes and elaborates to some degree on the previous recommendation for the sending of human rights monitors to Iraq as part of an exceptional response to this exceptional situation (S/23685/Add.1, para. 156), the Special Rapporteur must emphasize the fact that he is actively studying the situation in the rest of the country and will be submitting part II of his interim report in due course. In this regard, part II will appear as an addendum to the present report.

4. The special alarm that strikes the Special Rapporteur at this time relates to the reliable and disconcerting information that Iraqi military forces have launched a series of attacks against the civilian population in the marsh area which borders the Islamic Republic of Iran. As international humanitarian agencies have been withdrawing, there remains little or no source of protection or support for the victims. Thus, the Special Rapporteur is of the opinion that immediate steps must be taken in response to what appears to be a deteriorating situation, before too much irreparable damage is done and too many individuals are victimized.

5. Although the situation in the southern marshes warrants special and immediate attention, it would be wrong to neglect the human rights situation elsewhere in the country. In fact, there is unfortunately no reason to assume that the situation of human rights has improved since the Special Rapporteur concluded in his report (S/23685/Add.1) that it was so exceptionally grave as to require exceptional steps aimed at curbing the repression. Indeed, there are even more reasons to take steps in so far as the present situation of human rights in Iraq continues to constitute a violation of mandatory Security Council resolution 688 (1991) of 5 April 1991, which demanded that Iraq immediately end its policy of repression in order to contribute to peace and security in the region.

6. The exceptional step that the Special Rapporteur continues to have in mind is the sending of teams of human rights monitors to all parts of Iraq (including that part of Iraqi Kurdistan from which the Iraqi authorities have withdrawn, but which is affected by the internal blockade and where it is alleged that Iraqi Government actions constituting human rights violations frequently take place). In this regard, the Commission on Human Rights decided to extend the mandate of the Special Rapporteur with the specific instruction that, with reference to his proposal to send human rights monitors to Iraq, the Special Rapporteur "develop further his recommendation for an exceptional response" in consultation with the Secretary-General (resolution 1992/71, para. 10). Subsequently, the Special Rapporteur had consultations on the subject with, inter alia, the Secretary-General and members of the Security Council. The elaboration of the Special Rapporteur's original proposal is therefore contained within this first part of his interim report.

I. THE SITUATION IN THE SOUTHERN MARSHES

7. The southern marsh area of Iraq is a vast maze of lakes and waterways, clotted with reed beds and islands, which is inhabited by a unique people who trace their origins back to before 3,000 B.C. The exact number of people who live in the marshes is unknown, but several hundreds of thousands live in small towns and villages on the edges of the area. Millions more populate the cities of Basra, Nassiriya and Amara, which are located near the marsh area.

8. According to a variety of reports brought to the attention of the Special Rapporteur, there appears to be a resurgence of grave violations of human rights by the Government of Iraq against the population in the area in various ways. Viewing those violations together, the Special Rapporteur has considerable cause for concern that there is in fact a specific policy aimed at the Marsh Arabs in particular. In this connection, the Special Rapporteur is especially cognizant of a video-tape in his possession wherein the present Prime Minister is heard to instruct late in 1991 several Iraqi Army generals to "wipe out" three specific Marsh Arab tribes. The same video-tape, portions of which have been broadcast on various national television networks, shows Iraqi Army personnel apparently training to carry out assaults on the population, with some portions of the video-tape appearing to show actual interrogations and raids in progress. In this context, then, the many recent

reports of full-scale military attacks on southern marsh villages are extremely disturbing and may be seen as the manifestation of a preconceived policy.

9. Certain of the recent reports of military attacks on the civilian population were taken up by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions in an urgent appeal to the Government of Iraq. Expressing the same and many other concerns, the Special Rapporteur on Human Rights in Iraq has also addressed a letter to the Government of Iraq, a copy of which is annexed to the present report (see appendix). Clearly, the greatest immediate concern is for the lives of the people. Military attacks on civilians, whether on the basis of orders against particular individuals or as part of indiscriminate mass bombardments, clearly violate the rights to life, personal integrity and due process of law. Indeed, such attacks constitute assaults against the essential principles of any rule of law compatible with the very notion of human rights.

10. In the Special Rapporteur's report to the Commission on Human Rights (S/23685/Add.1, paras. 118-127), certain concerns were raised in relation to the Marsh Arabs who are also Shi'a Muslims. At that time, the Special Rapporteur considered the policies affecting them as partly related to their religious beliefs. However, it is worth recalling here that the Special Rapporteur also cited a series of articles in Al-Thawra, the Baath Party newspaper, which characterized the Marsh Arabs as an inferior and "un-Iraqi" people (ibid., para. 126). These sinister and ominous references may now be viewed in relation to the current wave of repression.

11. The most blatant violations of human rights being perpetrated by the Government are constituted by the military attacks against the civilian population. In the past, small military operations have been explained by the need to seek out so-called criminal elements who had sought refuge in the marshes. These persons were generally said to be either military deserters or participants in the March 1991 uprisings and who were accused of murder or rape. However, the Special Rapporteur cannot understand how indiscriminate bombardments of civilian settlements could possibly be justified by police actions directed against a small number of individuals. As pointed out by the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions in his recent urgent appeal concerning these attacks, the Government of Iraq must respect the rights to life and physical integrity included in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Further, the tactics employed by the Government in using military attacks are completely incompatible with its obligations to provide for due process of law such that innocent persons are not wrongly penalized and such that guilty persons are nevertheless dealt with according to a rule of law, including a fair and public trial. In the face of confirmed reports of artillery bombardments and reliable reports of considerable troop movements and fixed-wing aircraft flights in the region, it would seem clear that the level and nature of force being employed in the region for whatever purpose exceeds by far the standards detailed in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (see A/CONF.144/28, chap. I)

and the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex).

12. According to information received by the Special Rapporteur, a series of military attacks are alleged to have commenced as of early July 1992. Initial artillery attacks are said to have been aimed at certain tribes concentrated in the villages named in the letter to the Iraqi Foreign Minister which is annexed to the present report. The main activities appear to have focused on villages south-west of the city of Amara. In the villages of Adil, al-Salaam, Maimona and al-Majar, curfews were in effect prior to the commencement of bombardments. Following the bombardments, reliable reports indicated that local hospitals and medical clinics showed significant increases in patients being treated for related injuries. As a result of the continuing military operations, there have also been reports of disappearances.

13. At the same time as the local population has been suffering stepped-up military attacks, the Government of Iraq has apparently also been proceeding with the forced relocation of Marsh Arabs and inhabitants of the neighbouring villages. According to certain reports, the programme of village amalgamization is justified by the Government by the necessity to bring these people closer to better medical and other services. Some Marsh Arabs are said to have been given new homes closer to places of fixed employment. The precise "necessity" of these relocations has still to be sufficiently explained, but it is clear that many of the persons affected were unwillingly moved in violation of their human right to freedom of movement. On this point, the Special Rapporteur cannot help but recall the programme of forced relocations, village amalgamization and internal expulsion that constituted part of the "Anfal operations" waged by the Government of Iraq against the Kurdish population in the late 1980s.

14. In addition to the programme of forced relocations of the local population, the Government of Iraq has held the marsh area subject to an internal economic blockade for some time. By restricting the inflow of basic foodstuffs and medications needed by the inhabitants, it is alleged that the Government is trying to draw people out of the relative protection of the marshes in order to control the population and arrest those labelled "criminals". In this connection, it has also come to the attention of the Special Rapporteur that the Government of Iraq has acted to cause the international non-governmental humanitarian agencies previously working in the area to withdraw, thus leaving the local population with even fewer sources of assistance. As the United Nations family of humanitarian agencies also scales down its presence, concern for the well-being of the people increases.

15. Perhaps the greatest threat to the inhabitants of the southern marshes is posed by the enormous water diversion programme which is proceeding at a rapid pace. Known as the "Third River Project", the Government programme to create another central waterway in the region for the purpose of irrigating salted flats will clearly result in the draining of much of the marsh area of its watercover, surrendering the silty soils to the dry air. As the reed beds become exposed, they die, further contributing to the deterioration of the

environment; this process is said to have been accelerated by the occasional burning of reeds. In so far as the Marsh Arabs are integrally linked to this special natural environment, they are threatened both in terms of their daily needs (which are largely met through fishing) and in terms of the survival of their ancient culture. Quite apart from potentially serious environmental effects, the programme may also be seen as a method to facilitate government control over the population in the area. In the opinion of the Special Rapporteur, the Government's programme of the "Third River Project" should be immediately brought to a halt pending a comprehensive environmental assessment and consultations with the affected population.

16. Considering the developments recounted above, the Special Rapporteur is of the opinion that, irrespective of the reply the Iraqi Government may send to his appeal of 29 July 1992, there is an urgent need to send a team of human rights monitors to the specific region of the southern marshes. These monitors would constitute an independent source of reliable information following the course of events in the marsh area.

II. A SYSTEM OF HUMAN RIGHTS MONITORING

A. Introduction

17. While the notion of a body of human rights monitors serving a Commission on Human Rights-appointed Special Rapporteur would definitely be an innovation, it is to be observed that the basic idea of human rights monitoring is neither new to international relations in general nor to United Nations practice in this field in particular. Indeed, it is rather clear from the important existence of a human rights dimension in many recent peace-keeping and peacemaking operations (e.g. El Salvador and Cambodia) that monitoring of the human rights situation at the least, often accompanied by active encouragement of specific improvement, has become a normal element of an adequate response to such situations. Incorporating a monitoring operation into the service of the Special Rapporteur would thus seem a natural and logical development appropriate to the local situation. Indeed, given the terms of Security Council resolution 688 (1991), in relation to which the Special Rapporteur has commented on the obvious link between the human rights situation in Iraq and the interest of maintaining peace and security in the region, it would seem almost imperative that some kind of instrument be developed to assess compliance by Iraq, just as mechanisms have been developed to assess Iraq's compliance with other terms of the same and other resolutions concerning, for example, weapons of mass destruction. An occasional visit by the Special Rapporteur is simply not enough. Through a monitoring mechanism providing a continuous flow of reliable information, the Special Rapporteur could better assess the continuing situation of human rights in Iraq and contribute constructive criticisms and comments.

B. The operation

18. Based on his own experience, consideration of the specific situation in Iraq and informed by an examination of other monitoring operations, the Special Rapporteur recommends that a relatively small operation of a number of mobile teams of monitors be sent to Iraq. Obviously, such a complex human rights situation as that in Iraq could well warrant a more comprehensive system of monitoring. Nevertheless, the Special Rapporteur believes that the placement of a limited number of mobile teams would prove very helpful and be appropriate to the need. The precise number and placement of teams would be determined with due account being paid to logistical factors and conditions prevailing in the various parts of the country. The operation would be conducted as follows.

1. Structure of the operation

19. The operation would be structured such that the monitors would communicate directly and regularly with the Special Rapporteur via his supporting staff in the Special Procedures Section of the Centre for Human Rights at Geneva. The information received would form the basis of the Special Rapporteur's various reports and would allow him to make representations to the Government of Iraq as appropriate.

2. Organization of the operation

20. It is envisaged that each team would be composed of three monitors. The teams would establish local offices in the central areas of selected cities and develop a public presence. From the base of their offices, each team would monitor events in the surrounding region, making regular visits to neighbouring towns and villages, including local hospitals, courthouses, jails, prisons, security centres and other places of detention. The teams would be collectively administered by a lead team to be established in Baghdad, although each team would report directly, via modern communications, to the central secretariat at Geneva. The lead team in Baghdad would also be supplemented by an administrative officer and a medical officer who could examine injuries and scars in assessing the validity of claims of maltreatment and torture and/or cause of death. Information would be forwarded to the Centre for Human Rights at Geneva, which services the Special Rapporteur. Through the course of the year, the Special Rapporteur would make occasional visits to the local offices.

3. Duties of the monitors

21. The monitors would be the Special Rapporteur's intermediaries in Iraq. Their principal duty would be to provide objective and immediate information. Specifically, they would establish local offices, holding themselves out to receive information relating to allegations or violations. In the event of

allegations being received, either locally or from other sources, the monitors would investigate accordingly. Regular duties would also include visits to places of detention, without prior notification, and observation of trials and court proceedings. While the monitors would not be empowered to instruct, intervene, judge or evaluate, they would be able to make representations on behalf of the Special Rapporteur to local authorities in the event of specifically defined "urgent" matters. As concerns assessment of the information to be received by the Special Rapporteur, it is to be stressed that only those standards will be applied to Iraq which result from its own subscription to human rights conventions or which are customary norms of behaviour. In obtaining information, the monitors will be instructed to bear this in mind at all times.

4. Selection of the monitors

22. The composition of each team would include at least one jurist and one Arabic-speaker (presumably as mother-tongue); for the teams to be located in the north, there should also be at least one person who speaks Kurdish. Monitors would be selected on the basis of their qualifications, with experience in the field being of paramount importance. In addition, attention to nationality would be necessary, with a wide cross-section being preferable. The presence on each team of someone from an Arab culture would be welcome. The status of the monitors would be regular United Nations personnel with full protection. They would be appointed by the Under-Secretary-General for Human Rights, on the recommendation of the Special Rapporteur. Depending upon the number of teams, perhaps as many as 50 monitors (plus 1 administrator and 1 medical officer) would have to be kept in the field at all times; additional staff would have to be retained to allow for rotations, leave and/or incapacity.

5. Location of teams

23. A lead team would have to be located in Baghdad for the obvious reasons of its size, importance and location. It would also serve the logic of cooperation with other United Nations agencies currently operating in Iraq. Other teams would be appropriately distributed throughout the country with due regard to territorial balance, the peculiarities of regional geography and the situation prevailing in the regions. Consequently, it may be necessary to concentrate on certain problems, depending upon local developments.

6. Logistical support

24. The operation would be supported by the Special Unit for Iraq of the Department of Humanitarian Affairs inasmuch as material needs would include transportation, communications and security. While supply and maintenance of transportation and communications equipment could be provided by these services out of Baghdad or their local offices, security arrangements would

probably have to include the assignment of some United Nations security officers (perhaps four) to each team of human rights monitors. In addition to these services, some locally employed persons may be necessary to act as drivers and in other limited capacities.

7. Financial requirements of the operation

25. Drawing from the experience of the former Office of the Executive Delegate for Iraq, the cost of such a monitoring operation should not run to more than a few million dollars (depending upon the number of teams) per year. In relation to the amount of money so far spent on security and humanitarian efforts in Iraq, or to the expenses of similar operations foreseen for El Salvador and Cambodia, the Special Rapporteur considers the expense to be very small indeed. Moreover, there would appear to be no reason why the expense should not be borne by Iraq as is to be the case with other humanitarian assistance, whether it be through the sale of oil or some other formula.

C. The role of the Government of Iraq

26. It is clear that no system of human rights monitoring will function perfectly without the cooperation of the Government concerned. The Special Rapporteur hopes in this regard that the Government of Iraq's response will be positive. This in itself would offer a significant indication that the Iraqi Government is committed to having an end put to all human rights violations. On the other hand, refusal by the Government of Iraq to cooperate with the kind of modest operation suggested by the Special Rapporteur could only increase fears that human rights violations will continue. This is turn would surely place yet another obstacle in the way of a return to normalcy in Iraq's position in the international community.

III. SUMMARY

27. Without any evidence of an improving human rights situation in Iraq, it is a matter of great importance that actions be taken to bring a halt to the serious violations of human rights and to put in place a system to monitor closely the continuing situation. Indeed, in so far as Security Council resolution 688 (1991) establishes the specific condition that the Government put an end to repression, there must be put in place some credible mechanism to measure compliance in this complex area. Certainly, the Special Rapporteur acting alone and from a distance, apart from occasional visits, cannot adequately fill this role.

28. As concerns the acute situation in the marshes, and irrespective of what might be done more generally with regard to ongoing violations elsewhere in the country, it is a matter of utmost urgency that concrete measures be taken immediately in response to the current series of grave violations of human

rights in southern Iraq. The water diversion project, which has serious consequences for the local population, ought to be stopped. Moreover, there is an urgent need to send a team of human rights monitors to the region of the southern marshes to constitute an independent source of reliable information following the course of events in the marsh area.

Appendix

Letter dated 29 July 1992 from the Special Rapporteur addressed to the Minister for Foreign Affairs of Iraq

As Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Iraq, I find myself in receipt of a considerable number of reports of serious human rights violations said to have been committed by your Government in recent weeks in the area of the southern marshes. The sudden increase in the number of these reports, emanating from a wide variety of sources, together with the breadth of specific allegations that they cast, is particularly alarming. Moreover, in so far as reliable information received appears to demonstrate a policy of aggression directed by government authorities against the population inhabiting the southern marshes, i.e. principally the so-called Marsh Arabs, I find myself bound to appeal to your Government to cease any and all activities as may constitute violations of its obligations under international law.

In terms of general allegations, it has come to my attention that the Government of Iraq is moving rapidly ahead with the so-called "Third River Project" in the south, in the framework of which large parts of the marsh area are being drained ostensibly to irrigate salted flats. Coupled with the alleged use of defoliants and the reported burning of reed beds, the essential environment intrinsically linked with the lifestyle and ancient culture of the Marsh Arabs is being threatened, without the affected population ever having been consulted. The population inhabiting the marshes is itself being forcibly relocated into population centres in the region, as was apparently recently admitted by Assembly Speaker Saadi Mehdi Salleh. At the same time, there are reliable reports of artillery fire being directed against purely civilian targets in and around the marshes, including entire villages, causing growing numbers of deaths and injuries while many others are said to have lost their homes and been forced to flee. Of general effect is also the economic situation which has been exacerbated by a continuing internal blockade against the region and its population.

By way of referring to specific cases, it has, for example, been reliably reported that the villages of Adil and al-Salaam, some 30 kms south-west of Amara, were evacuated and burnt earlier this month. Heavy artillery, fire bombs and even strafing have been reportedly used against the local population in recent weeks. Mounting casualties have been observed in the local medical centres.

Certainly, I am also aware of the urgent appeal that the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions recently addressed to you subsequent to most disconcerting reports of widespread deaths, arrests and disappearances resulting from attacks on 9 and 10 July 1992 on the villages of Shumbaara, al-Awaili, al-Kabab, al-Mouzar, Abu Saboor and Um al-Hosh, and attacks on 15 July on the villages of al-Wadia, Um al-Hosh, al-Mouzar and al-Hajia. Of course, I share the concern that

civilian protection and human rights, especially effective protection of the rights to life and physical integrity, do no appear at all to be respected. In relation to these concerns, I urge your Government to bring an immediate halt to what appear to constitute repressive activities in the region and to respect the rights of the unique minority population located therein. In this connection, I would like to draw your Government's particular attention to Security Council resolution 688 (1991) of 5 April 1991, which calls upon the Government of Iraq to end its repressive policies which constitute a threat to international peace and security in the region. I would also urge your Government to consult the local population about such major projects as appear to be constituting a threat to their immediate livelihood and the survival of their culture.

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LETTER DATED 5 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I should like to draw your attention to the recent intensification in the propaganda put out by those in charge of the Iraqi regime and by its mouthpieces against the sovereignty and territorial integrity of Kuwait.

You perhaps remember that Kuwait lodged a protest with you against the remarks made in the text of the statement of the Iraqi National Assembly dated 17 May 1992 and that Iraq provided no explanation of that statement to the President of the Council or to the Group of Non-Aligned Countries in the Council. We testify with appreciation to the fact that when you received the letter of the Minister for Foreign Affairs of Iraq dated 21 May 1992 (S/24044) you issued a statement (S/24113) in which you expressed your dismay that "the letter recalls past Iraqi claims to Kuwait without also recalling Iraq's subsequent repudiations of these claims".

We note in recent times a habitual, systematic and palpable escalation by the Iraqi regime of its claims against Kuwait's sovereignty and territorial integrity. To substantiate that this escalation is taking place, I should like to refer to a number of occurrences.

On 5 and 7 July, the Iraqi newspaper Al-Jumhuriyah published two articles by Iraq's Permanent Representative at Geneva, Barzan Al-Tikriti, in which he called for the map of the Arabian Peninsula to be redrawn so that, among other changes in the region, Kuwait would be "united" with Iraq. Al-Tikriti states that it would be no easy matter to preserve Kuwait as a State, "because it would require the neutralization of Iraq, and Iraq has been convinced since independence that Kuwait is part of itself. It has tried on more than one occasion to restore it to the mother country, but there stand in its way inter-Arab considerations and international interests, most recently the events of 2 August 1990. Iraq has payed a price greater than which there cannot be in any other event. It cannot forget that, and future generations will possess and embrace the issue as an inheritance and a crucial cause, even if in a way different from any that has been given expression from Iraq's independence up to now. The cause has become that of an entire people and of a fatherland ...".

On 27 July, Baghdad Radio reported that, in receiving the envoy of the President of Indonesia, Saddam Hussein declared: "When we spoke with a voice that made itself heard and sought to correct the mistakes of history, it brought upon Iraq the most grievous injustices which continue to befall it. If a historical mistake may not be corrected, then that situation must apply to all. In that event, Japan has no right to claim the Kuril Islands and no State member of the Security Council has the right to claim parts of any other State".

In an interview with the Jordanian weekly magazine Al-Watan on 19 June, Sa'di Mahdi Salih, Speaker of the Iraqi National Assembly, stated: "Kuwait has been Iraqi since Iraq first existed on the planet ...".

On 23 July, the Iraqi newspaper Al-Thawrah published an article under the headline "The Iraqi press has been the standard-bearer of the liberation of Kuwait and its restoration to the mother country ... Iraq". The article stated: "The patriotic cause that the press has striven to demonstrate to the world is that of Kuwait and the fact of its Iraqi character, and it has been its constant endeavour since the creation of an Iraqi government to raise this compelling patriotic issue, whether with successive Iraqi Governments or before Iraqi public opinion, by demonstrating that Kuwait belongs to Iraq and by urging politicians, the executive branch and our people in Iraq and Kuwait to strive earnestly for the restoration of Kuwait to the mother country, Iraq".

On 2 August, Sa'd al-Bazzaz, editor in chief, published on the front page of the newspaper Al-Jumhuriyah an article headlined "Once upon a time" in which it is stated: "Those most entitled to speak of the glory of 2 August are the Iraqis. It is they that made the great events. What conclusions do we draw from that day? Firstly; the world discovered, willingly or not, that the State of Kuwait was nothing but a lie imposed upon the world ... . The elements of history and geography confirm that Kuwait belongs to Iraq ... . The date 2 August was the opportunity awaited for more than 70 years to correct a mistake of history. It was perhaps a correction that was delayed far beyond its time, but it would have come in any event ...".

On 1 August, the Iraqi newspaper Al-Jumhuriyah published an article that it entitled "A lie named Kuwait" and in which it was stated: "Kuwait's page in the history of Iraq and the region will continue to be of an Iraqi character regardless of the passage of time and despite any attempts by petty rulers and their powerful guardians to falsify the history of the region and to trifle with its capacities and wed them to courses that serve the colonialists and Zionists and the despicable presence of these clients and others like them in Kuwait and the territories of Nejd and the Hejaz".

The Iraqi newspaper Babil, which is published by Udayy Saddam Hussein, contained an article in which it describes Kuwait as a "governorate". It may be pointed out that on 21 July the same newspaper published an article in which it boasted of its use of this nomenclature. It published an article, under the headline "News agencies call attention to the use of the designation

'Kuwait Governorate' in our newspaper", in which it said that Agence France-Press had reported that Babil, published by Saddam Hussein's eldest son, had resumed its use of the name "Kuwait Governorate" for the Emirate. The article goes on to say that Babil is the only Iraqi newspaper that has resumed the use of this designation.

Since 5 July, Iraqi television has been broadcasting episodes of a programme called "Mirage and reality", the basic objective of which is to rewrite the history of the region to accord with the fraudulent and poisonous philosophy that claims that Kuwait is part of Iraq.

At 7.25 p.m. on 2 August, Baghdad Radio reported as follows: "On 2 August 1990, the proud Iraqis wrote an eternal epic into the history of our glorious nation when the army of Al-Qa'id al-Munadil Saddam Hussein responded to the appeal of its brothers and to patriotic duty by restoring history to its proper course and drawing the map of truth and justice through their firm desire that the land of Kuwait should return to the bosom of the mother country ... On 2 August, Iraq, under the leadership of Af-Faris Al-Mujahid Saddam Hussein, succeeded in restoring Kuwait to Iraq. When we say 'succeeded', we do so because many previous attempts had been made to this effect but all had failed. And when we say 'restoring', we do so because Kuwait is historically and in reality an integral part of Iraq."

The University of Basra in Iraq has recently published a book full of historical falsehoods and sophistries in a desperate attempt to prove what it calls the fact that Kuwait belongs to Iraq.

At the time I notified you and the members of the Security Council of the statement of the Iraqi National Assembly of 17 May 1992, the view was expressed that the statement had been intended for domestic consumption. That was, however, followed by the letter from the Iraqi Minister, which was quite certainly not intended for domestic consumption but rather to initiate a fresh confrontation with the international community despite the attempt made by Iraqi officials in closed meetings here and in other capitals to "improve" the world's understanding of it. We should like to state that any attempt to justify this propaganda campaign, by any party whatever, shall meet with no success. This tendentious campaign has exposed the true desires of the Iraqi regime which, from time to time, it attempts to conceal, namely its ambitions directed against Kuwait. This propaganda campaign is to be regarded as a manifest and explicit revocation of the acceptance by this regime of the relevant Security Council resolutions, it contradicts its continuing claim to have implemented them, and it constitutes a rejection of Security Council resolution 687 (1991). It is a form of moral intimidation by which the Iraqi regime is attempting to undermine the stability and security of the region; it is one in the series of ongoing Iraqi violations not only of the resolutions of the Council but of the most elementary values and conventions governing relations between peoples and States; and it is one of the forms of dissention for whose dissemination among the peoples of the region the Iraqi regime has been notably distinguished.

The international community may be immune to demagogic statements and declarations made by despots to their peoples. However, such a frantic campaign as that being waged by a regime celebrated for its aggression against neighbouring States requires that the entire world should challenge such practices of intimidation as indicate the continued presence of the aggressive intentions to which it has given effect in the past. The responsibility of the Security Council to ensure international security and stability requires that this grave matter should be taken up and adequately addressed.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

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6 August 1992
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LETTER DATED 6 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a copy of a letter dated 6 August 1992 from Mr. Muhammad Said al-Sahhaf, Minister for Foreign Affairs of the Republic of Iraq, addressed to the President of the Security Council. It concerns the letter dated 30 July 1992 from the Special Rapporteur of the Commission on Human Rights addressed to you.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

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Annex

Letter dated 6 August 1992 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

I have the honour to draw your attention to the letter dated 30 July 1992 addressed to you by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, and to part one of his interim report annexed thereto.

We are surprised that this letter should have been addressed to you and through you to the other members of the Security Council instead of being submitted, as is the normal procedure, to the forthcoming session of the General Assembly. The report was even sent to you before it was in its final form. All of this has been done on the basis of the alleged gravity of the situation in southern Iraq and the impact of what is happening there on stability in the region.

The logical and obvious conclusion to be drawn from this baffling and precipitous conduct on the part of the Special Rapporteur is that Mr. van der Stoel is playing a role that was planned for him in association with the ongoing campaign of hostility against Iraq being waged by the United States of America and its allies. The Special Rapporteur has thus violated the norms and principles laid down for his work, which is supposed to be characterized by impartiality and objectivity in following the correct procedures, acquainting himself with the views of the parties particularly concerned - and here it is Iraq which is the party fundamentally concerned in the matter - and then presenting all of the views and positions in a precise and objective manner to the Organization, and not by restricting himself, as he has in this report, to reiterating allegations made by parties hostile to Iraq and proposing exceptional and unprecedented measures in their regard to be imposed upon Iraq. In another respect, the Special Rapporteur has leaked the report in question to the press and other information media and has also participated personally in the propaganda campaign by holding seminars and television and newspaper interviews directed against the country with which he is supposed to be cooperating in fulfilling his mandate.

Over and above the foregoing remarks on the dubious procedural methods adopted by the Special Rapporteur, the report itself is full of allegations, lies and fallacies.

The Special Rapporteur claims that there is an overall campaign that is characterized by the use of extreme force against the "Marsh Arabs". For these statements, he relies only on what he calls "reliable" sources which he does not disclose instead of seeking information from the Iraqi authorities on the true state of affairs. The measures taken by the government authorities have had the objective of protecting the inhabitants of the area and of neighbouring areas from acts of murder, sabotage and robbery carried out by certain groups linked with Iran and some of which are made up of Iranian

nationals. Iran is supplying them with weapons, explosives and the items required for acts of sabotage and crimes, with the object of creating problems for Iraq and undermining its internal situation. This is an objective that is officially and publicly declared by the Iranian authorities, and the Iraqi authorities have conclusive evidence to this effect.

According to a report of Agence France-Press from Tehran on 2 August 1992, the Iranian press has reported that the Supreme Council of National Security, which met under the chairmanship of Iranian President Rafsanjani, criticized what it called the "negligence" of the United Nations in coping with developments in the situation in southern Iraq and protecting the lives of its innocent inhabitants.

On 2 August the same Agency, reporting from Tehran, attributed to what it called a leader of the Iraqi Shi'ite opposition based in Iran, a person called Muhammad Baqir al-Hakim, a call for the establishment of a safe haven in southern Iraq to protect the lives of those of its inhabitants who had taken refuge in the marshes. This is the same request that is being promoted in American circles.

The Special Rapporteur proposes that there should be a team of human rights monitors to be deployed in all parts of Iraq to whom he would accord wide powers, privileges and immunities, so that they would resemble the political agents of the colonialist Powers of imperialist times, while completely ignoring the authority of the Iraqi State to exercise its functions in full sovereignty and independence. Iraq peremptorily rejects such interference in its internal affairs.

It is indeed strange that the Special Rapporteur should focus in his report on the Third River project and consider it the greatest threat to the inhabitants of the marshland area on the grounds that it would divert water, destroy fisheries and pose a serious danger to the environment. This view reflects a biased approach aimed at injuring Iraq by all possible means.

It is widely known that in the Tigris-Euphrates river basin cultivation based on irrigation has been practised for many centuries owing to the fact that rainfall is insufficient for agriculture. Because of continuous cultivation and the high salinity of the water of the Tigris and Euphrates, large quantities of salts accumulated on agricultural land and transformed it into land that is for the most part unfit for cultivation, particularly in the central and southern areas of Iraq. In order to restore the fertility of the soil and transform these areas into agriculturally productive land, it was necessary to devise a radical solution to the drainage problem. What is referred to as the Third River and is known in technical parlance as the Main Outfall Drain (MOD) project is the backbone of the solution to this problem. The idea of the project, which is one of long standing and began some 40 years ago, is to collect high-salinity drainage water from agricultural enterprises in central and southern Iraq into one main drain and to channel it into the Arabian Gulf without intermixture with any of Iraq's rivers or marshlands. The issue of drainage in Iraq was first addressed in the framework of overall

planning in the time of the monarchy by the American consultancy firm Tippet Appett Macarthy (TAMS) in 1952. In its report to the Development Council, it proposed that a number of main drains should be used, the most important of them being the Main Drain (Third River) extending from Balad north of Baghdad to Nasiriyah, to collect most of the drainage water in the agricultural areas between the Tigris and Euphrates rivers into one main drain thence to be channelled into the Arabian Gulf (the sea). Then, in 1972, the British consultancy firm Sir M. Macdonald & Partners, in a study of the development of irrigation projects for the central Tigris basin, stressed the need for a part of the Main Drain (Third River) 154 kilometres long to be built between Hawr al-Dalmaj and Nasiriyah as a requirement for improved irrigation on the enterprises in question. The company prepared designs and contract documents for this part of the Main Drain (Contract No. DG/2 A). Between 1972 and 1981, Soviet experts brought in by the Ministry of Irrigation conducted a number of studies and produced detailed designs relating to Iraq's overall drainage plan. A number of options were elaborated for linking the Main Drain at Nasiriyah with the Arabian Gulf. The option was selected that would prevent the intermixture of saline water from the Main Drain with the water of Hawr al-Dalmaj, inasmuch as the Main Drain would run inside a strictly separate dyke, built parallel to the southern edges of the marshland and from there to the Arabian Gulf through the Shatt al-Basrah canal.

Work on the Main Drain (Third River) has gone through a number of phases. Two major conduits were built as part of the expansion of the great Musayyib irrigation project in 1954, and they form the basis for the Main Drain in light of the planning carried out by the American TAMS company. Then, in 1959, the 60-kilometre-long western Shatrah conduit was built by the Dutch company Zanen Verstoep NV to collect drainage water from the Ghiraf region project and channel it into Hawr al-Hammar. Subsequently, the 156-kilometre-long central section of the Main Drain was built between Hawr al-Dalmaj and the western Shatrah conduit by the Ministry of Irrigation and the Soviets between 1973 and 1977 on the basis of the designs prepared by the British consultants Sir M. Macdonald & Partners. After that, earthworks were completed for the southern section of the Main Drain between Nasiriyah and the Arabian Gulf by the German company Philip Holzman between 1982 and 1986 on the basis of the designs prepared by the Soviet consultants previously mentioned. Work on the installations and the main pumping station was done by the Brazilian company Mendes Junior Co., which began work on 22 August 1984 and suspended operations without completing the work entrusted to it following the adoption of the embargo resolution in August 1990. Work on the project currently under way is confined to the completion of remaining tasks that were halted owing to the embargo resolutions and the suspension by foreign companies of their operations in Iraq. It is to be understood that most sections of the project were completed, and these sections are now being linked together with a view to completing the project. (See the attached map of the project.)

The Main Drain (Third River) project is one of the most significant major multipurpose agricultural projects in Iraq, given that it will have a whole set of economic, social and environmental benefits for the governorates of

central and southern Iraq, namely Salah al-Din, Baghdad, Wasit, Babil, Dhi Qar and Basra. The benefits are exemplified by the drainage of agricultural land, the lowering of the groundwater level, the restoration of fertility to the soil and the enhancement of productivity over an estimated area of 6 million Iraqi dunums or 1,500,000 hectares. It will also protect the high quality of water in the Tigris and Euphrates rivers and the marshlands and ensure its fitness for various municipal, industrial and agricultural uses, since the channelling of drainage water into rivers and water-meadows leads to contamination and salinity. The project will also ensure the improvement and development of fisheries in the southern marshland area, which have deteriorated owing to the high level of salinity in the marshlands as a result of drainage water being channelled into them. Moreover, the project will be conducive to the stabilization of sand-dunes in the areas through which the Main Drain (Third River) runs and will halt the encroachment of desertification on agricultural enterprises in central and southern Iraq. The Main Drain can furthermore be used for purposes of inland navigation. It should also be noted that the water in the Main Drain will in the near future be less saline in quality, making it fit for use in irrigation. It is this that has brought about the use of the name "the Third River" for the Main Drain.

The foregoing attested technical facts show the gross ignorance and dubious purpose of the Special Rapporteur's report as it relates to the Main Drain (Third River) project. The project does not specifically target the marshlands or their inhabitants. It is not a new project undertaken with a view to achieving the objectives stated by the Special Rapporteur, which have no basis in the objective reality of the project. The total length of the course taken by the project from its starting-point to its terminus in the Shatt al-Basrah canal is 565 kilometres, while the section of the marshlands which runs parallel to the river, namely Hawr al-Hammar, is only 40 kilometres long. Thence it appears that the parties behind the Special Rapporteur's report do not want the small number of those raising water-buffalo and living in the marshlands in backward conditions to develop and become cultivators within a modern framework. They also do not want Iraq to rid itself of the saline water that is destroying its soil. They do not want it to regulate the utilization of its apportionment of water, a large part of which is being withheld in Turkish and Syrian territory in violation of international law. The parties that planned for the report of the Special Rapporteur apparently want the Iraqi Government to remain unable to provide for the food needs of its citizens, or a vital part of them, from inside Iraq, so that those who have the intention of maintaining the embargo may achieve their objectives at the expense of the security, stability and sovereignty of Iraq. Do States or human rights organizations prevent countries from regulating their water, from building dams, from draining lakes or from inundating parts of their territory with water that belongs to them?

With regard to the question of the paucity of water in the marshlands, this bears no relation whatever to the project. It is well known that the marshlands are for the most part fed by water from the Euphrates river and that the paucity of the water that has been noted has been caused by the great reduction of the water in the Euphrates resulting from the construction and

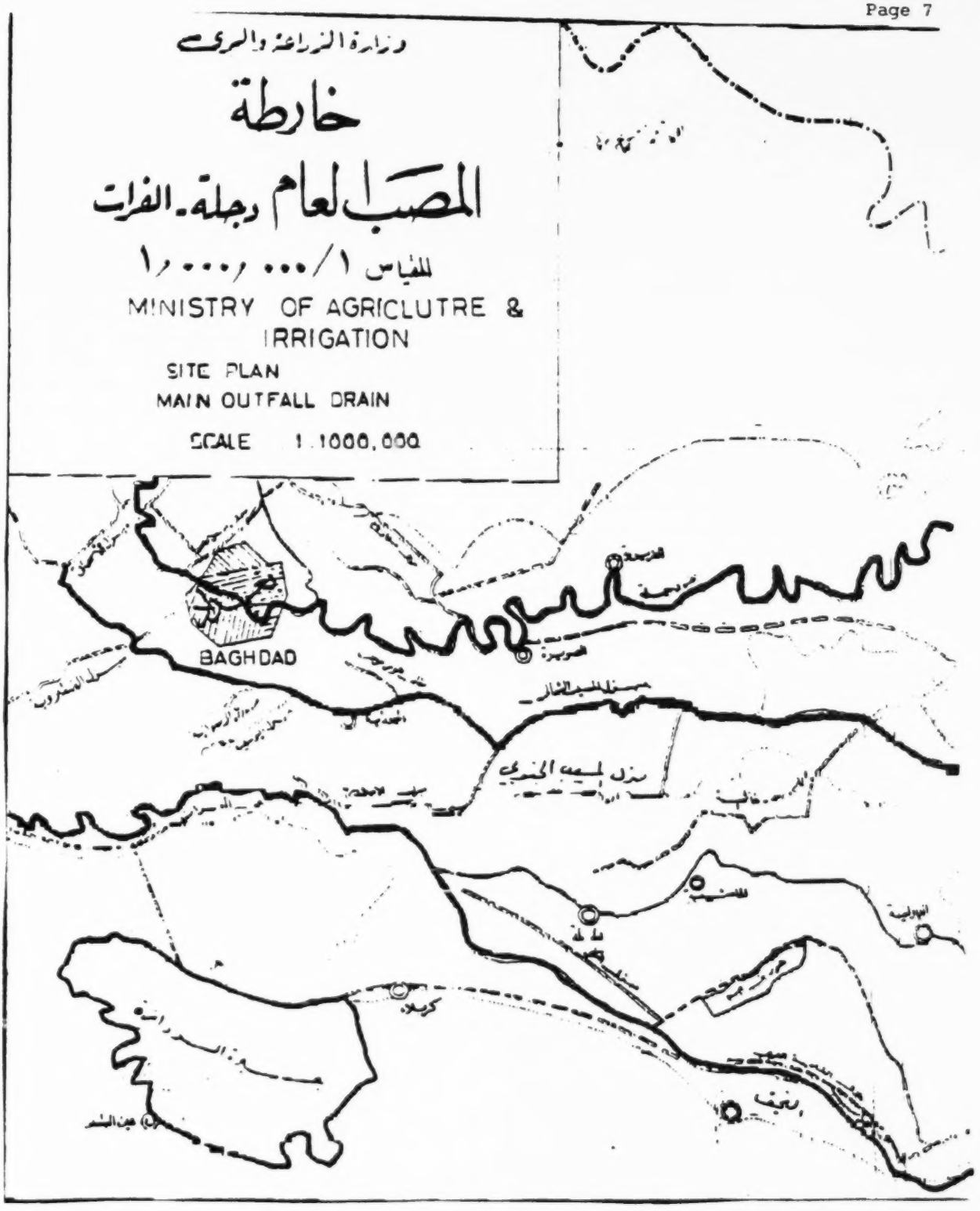
operation of the Kayban and Karakaya dams in Turkey, the Tabqah dam in Syria and the project, begun in 1990, to fill the reservoir of the very large Atatürk dam in Turkey. To prove this objective fact, it suffices to say that since it began to fill the Atatürk dam Turkey has imposed on both Syria and Iraq a water quota of 500 cubic metres per second instead of 900. Of this quota, 290 cubic metres per second are presently reaching Iraq instead of the previous 700 cubic metres. It is this that has brought about the paucity of water in the marshlands.

These scientific and historical facts expose the fallacious underpinnings on which the report in question is based, just as they expose the objectives of the parties behind this dubious report which are lending it currency in order to create a spurious crisis directed against Iraq so as to advance the political objectives of the United States and its allies after the failure of their previous attempt a few days ago with the resolution of the issue of the Ministry of Agriculture and Irrigation by agreement between Iraq and the Special Commission.

It is our hope that the Security Council will deal with this matter in accordance with the principles of the Charter prohibiting interference in the internal affairs of States and according respect to the attributes of sovereignty and that the Council will draw the correct conclusions from the spurious allegations and crises invoked against Iraq from time to time with a view to maintaining the economic embargo imposed on its people and achieving political objectives that have no relation to the resolutions of the Security Council and are in conflict with the Charter.

I should be grateful if you would acquaint the members of the Security Council with the contents of this letter.

(Signed) Muhammad Said AL-SAHHAF
Minister for Foreign Affairs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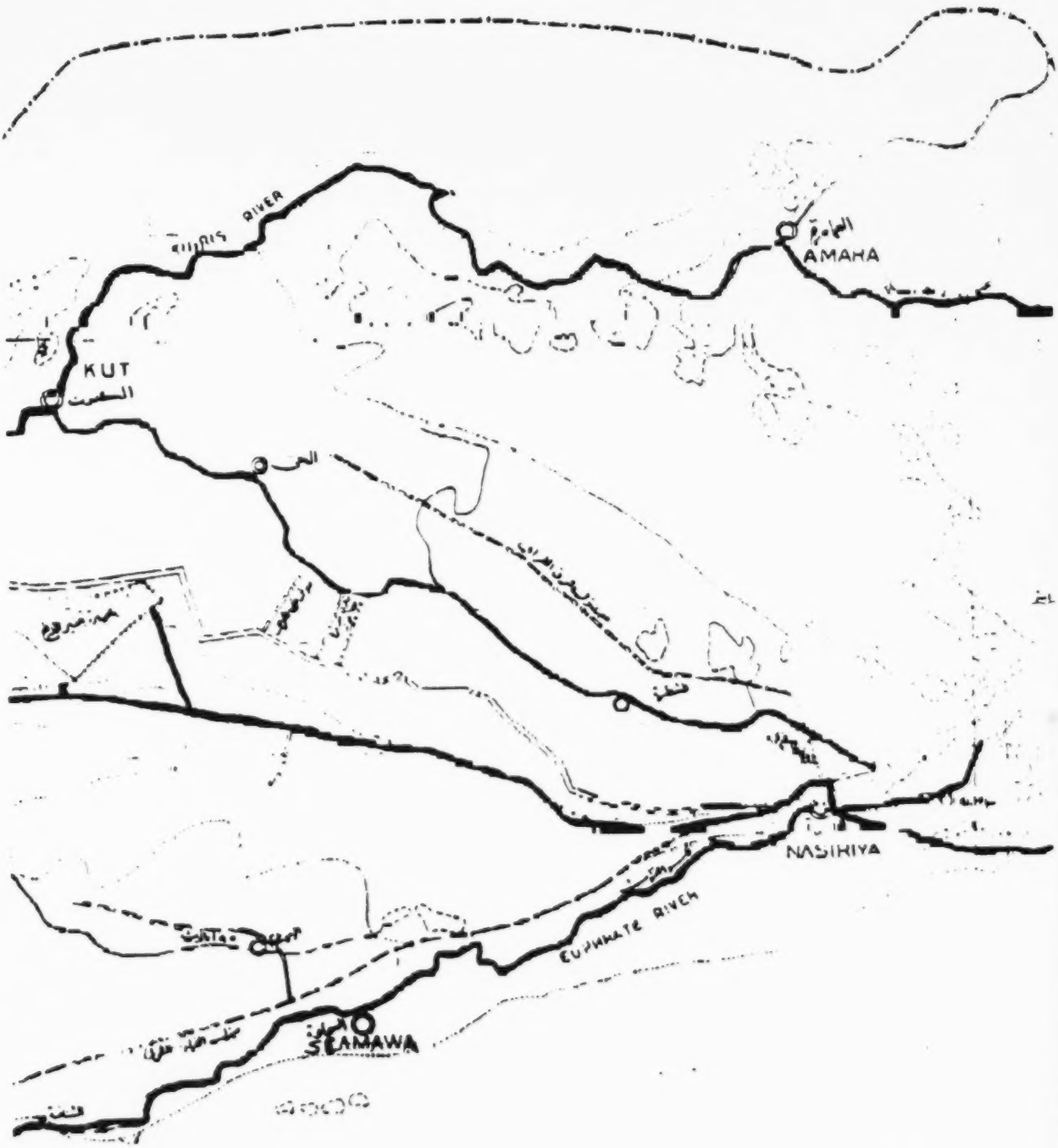
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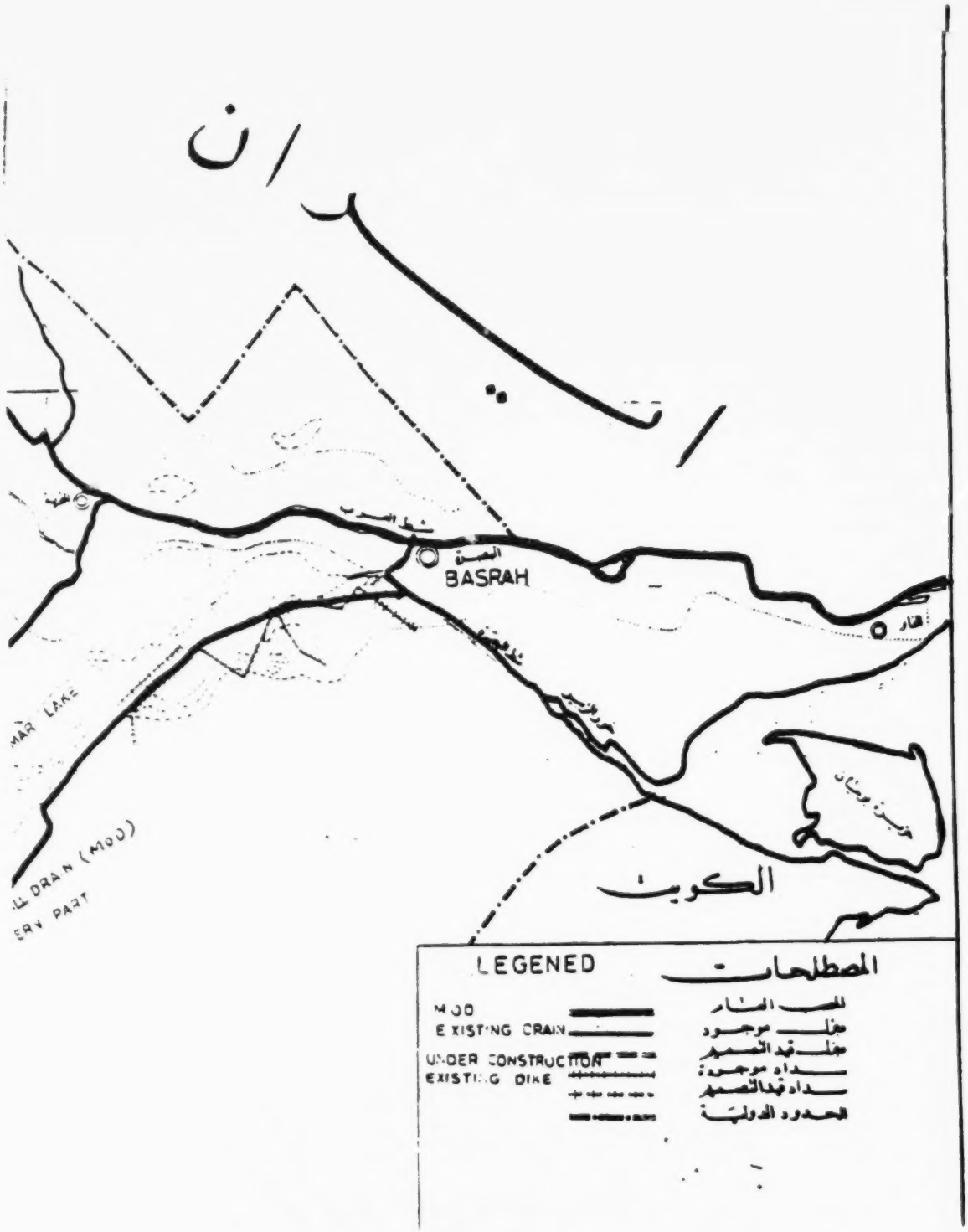
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MAIN OUTFALL DRAIN (MOD) (THIRD RIVER PROJECT)

I. Introduction

For many centuries, agriculture based on irrigation has been practised in the Tigris and Euphrates river basin since there is insufficient rainfall for cultivation. Because of continuous cultivation, large quantities of salts have accumulated on agricultural land and have transformed it into land that is for the most part unfit for cultivation, particularly in the central and southern regions of Iraq.

In order to restore the fertility of the soil and transform the area into productive agricultural land, a radical solution had to be devised to the drainage problem. The Main Outfall Drain (Third River) project is the backbone to the solution of the problem.

The idea of the project is to collect high-salinity drainage water from agricultural enterprises in central and southern Iraq into one main drain and to channel it into the Arabian Gulf without intermixture with any of Iraq's rivers or marshlands.

II. Historical background to the project

The various phases of the Main Outfall Drain project have seen a series of studies, designs and building operations, as follows:

1. Studies

(a) Study by the American consultants Tippet Appett Macarthy (TAMS) (1952)

The issue of drainage in Iraq was first addressed in the framework of overall planning in the time of the monarchy by the American consultancy firm TAMS in 1952. In its report to the Development Council, it proposed that a number of main drains should be used, the most important of them being the Main Drain (Third River) extending from Balad north of Baghdad to Nasiriyah, to collect most of the drainage water from the agricultural areas between the Tigris and Euphrates into one main drain thence to be channelled into the Arabian Gulf (the sea).

(b) Study by the British consultants Sir M. Macdonald & Partners (1972)

In 1972, the British consultancy firm Sir M. Macdonald & Partners, in a study of the development of irrigation projects in the central Tigris basin, stressed the need for a part of the Main Drain (Third River) 154 kilometres long to be built between Hawr al-Dalmaj and Nasiriyah as a requirement for improved irrigation on the enterprises in question. The company prepared designs and contract documents for this part of the Main Drain (Contract No. DG/2 A).

(c) Studies by the Soviet consultants Soyuzgidrovodkhoz (1972-1981)

The Soviet experts brought in by the Ministry of Irrigation between 1972 and 1981 carried out a number of studies and produced detailed designs relating to Iraq's overall drainage plan. A number of options were elaborated for linking the Main Drain at Nasiriyah with the Arabian Gulf. The option was selected that would prevent the intermixture of saline water from the Main Drain with the water of Hawr al-Hammar, inasmuch as the Main Drain would run inside a strictly separate dyke built parallel to the southern edges of the marshland and from there to the Arabian Gulf through the Shatt al-Basrah canal.

2. Execution of the main drain

Work on the Main Drain (Third River) has gone through a number of phases. They are as follows:

(a) Two major conduits were built as part of the expansion of the great Musayyib irrigation project in 1954, and they form the basis for the Main Drain in light of the planning carried out by the American company TAMS.

(b) The 60-kilometre-long western Shatrah conduit was built by the Dutch company Zanen Verstoep NV in 1959 to collect drainage water from the Ghiraf region project and channel it into Hawr al-Hammar.

(c) The 156-kilometre-long central section of the Main Drain was built between Hawr al-Dalmaj and the western Shatrah conduit by the Ministry of Irrigation and the Soviets between 1973 and 1977 on the basis of the designs prepared by the British consultants Sir M. Macdonald & Partners.

(d) Earthworks were completed for the southern section of the Main Drain between Nasiriyah and the Arabian Gulf by the German company Phillip Holzman between 1982 and 1986 on the basis of the designs prepared by the Soviet consultants previously mentioned.

(e) Work on the installations and the main pumping station was done by the Brazilian company Mendes Junior Co., which began work on 22 August 1984 and suspended operations without completing the work entrusted to it following the Kuwait events.

III. Work currently being carried out for the completion of the Main Drain

On the basis of the foregoing, the work currently under way on the Main Drain (Third River) project involves completion of remaining tasks that were halted owing to the war of aggression and the departure of the foreign companies. It is to be understood that most sections of the project were completed, and these sections are now being linked together with a view to completing the project. (See the attached map of the project.)

IV. Benefits of the Main Drain (Third River) project

The Main Drain (Third River) project is one of the most significant multipurpose strategic agricultural projects in Iraq, and it has the following objectives:

1. Drainage of agricultural land and a lowering of the groundwater level, restoration of fertility to the soil, and enhancement of productivity over an estimated area of 6 million Iraqi dunums or 1,500,000 hectares.

2. Maintenance of the high quality of the water in the Tigris and Euphrates rivers and the marshlands and ensuring its fitness for various municipal, industrial and agricultural uses, since the channelling of drainage water into rivers and water-meadows leads to contamination and salinity.

3. Improvement and development of fisheries in the southern marshland area, which have deteriorated owing to the high level of salinity in the marshlands as a result of drainage water being channelled into them.

4. Stabilization of sand dunes in the areas through which the Main Drain (Third River) runs and a halt to the encroachment of desertification on agricultural enterprises in central and southern Iraq.

5. Use of the Main Drain for purposes of inland navigation.

6. The water in the Main Drain will in the near future be less saline, making it fit for use in irrigation. It is this that has brought about the use of the name "the Third River" for the Main Drain.

V. Conclusions

As planned and executed over many years, the objective of the Main Drain project is to achieve developmental, environmental, economic and social goals.

From the environmental point of view, the project will achieve an improvement in the quality of surface water in the rivers and water-meadows (marshlands) by preventing its contamination by high-salinity drainage water.

The achievment of this result is in itself liable to ensure the improvement and expansion of fisheries in the marshlands and to render the water there fit for agriculture and for domestic uses.

The inland navigation made possible by the Main Drain will create many employment opportunities for the inhabitants.

The benefits of the project extend, in fact, to all areas of central and southern Iraq.

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7 August 1992

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE QUESTION OF SOUTH AFRICA

INTRODUCTION

1. The Security Council considered the question of South Africa at its 3095th and 3096th meetings held on 15 and 16 July 1992, unanimously adopting resolution 765 (1992) at the latter meeting. The full text of that resolution reads as follows:

"The Security Council,

"Recalling its resolutions 392 (1976), 473 (1980), 554 (1984) and 556 (1984),

"Gravely concerned by the escalating violence in South Africa, which is causing a heavy loss of human life and by its consequences for the peaceful negotiations aimed at creating a democratic, non-racial and united South Africa,

"Concerned that the continuation of this situation would seriously jeopardize peace and security in the region,

"Recalling the consensus Declaration on Apartheid and its Destructive Consequences in Southern Africa adopted by the General Assembly at its sixteenth Special Session on 14 December 1989 which called for negotiations in South Africa to take place in a climate free of violence,

"Emphasizing the responsibility of the South African authorities to take all necessary measures to stop immediately the violence and protect the life and property of all South Africans,

"Emphasizing also the need for all parties to cooperate in combating violence and to exercise restraint,

"Concerned at the break in the negotiating process and determined to help the people of South Africa in their legitimate struggle for a non-racial, democratic society,

"1. Condemns the escalating violence in South Africa and in particular the massacre in Boipatong township on 17 June 1992, as well as subsequent incidents of violence including the shooting of unarmed protesters;

"2. Strongly urges the South African authorities to take immediate measures to bring an effective end to the ongoing violence and to bring those responsible to justice;

"3. Calls upon all the parties to cooperate in combating violence and to ensure the effective implementation of the National Peace Accord;

"4. Invites the Secretary-General to appoint, as a matter of urgency, a Special Representative in order to recommend, after, inter alia, discussion with the parties, measures which would assist in bringing an effective end to the violence and in creating conditions for negotiations leading towards a peaceful transition to a democratic, non-racial and united South Africa, and to submit a report to the Security Council as early as possible;

"5. Urges all parties to cooperate with the Special Representative of the Secretary-General in carrying out his mandate; and to remove the obstacles to the resumption of negotiations;

"6. Underlines, in this regard, the importance of all parties cooperating in the resumption of the negotiating process as speedily as possible;

"7. Urges the international community to maintain the existing measures imposed by the Security Council for the purpose of bringing an early end to apartheid in South Africa;

"8. Decides to remain seized of the matter until a democratic, non-racial and united South Africa is established."

2. Immediately after the adoption of resolution 765 (1992), I appointed Mr. Cyrus R. Vance as my Special Representative under the terms of paragraph 4 of the resolution and announced that he would be visiting South Africa as a matter of urgency. I also requested Mr. Virendra Dayal, former Chef de Cabinet, to accompany Mr. Vance on the mission. Assisted by a small team from the Secretariat, the delegation visited South Africa from 21 to 31 July 1992. The present report is being issued pursuant to paragraph 4 of resolution 765 (1992).

I. PROGRAMME OF THE MISSION OF SOUTH AFRICA

3. Given the complexity of the situation in South Africa, the mission endeavoured to hold discussions with the widest range of parties in the country.

4. The programme opened with meetings with President F. W. de Klerk and members of his cabinet on 22 July 1992 and was followed by a further round of talks between the Special Representative and President de Klerk on 30 July 1992. In addition, meetings were separately arranged with Foreign Minister R. F. Botha on 26 July 1992 and with Justice Minister H. J. Coetsee on 31 July 1992.

5. Individual meetings were likewise held, in the following sequence, with delegations of the major political parties. On 23 July 1992, they included the Inkatha Freedom Party (IFP) led by Chief Mangosuthu Buthelezi; the Pan Africanist Congress of Azania (PAC) led by Mr. Clarence Makwetu; the African National Congress (ANC) led by its Vice President Mr. Walter Sisulu, and comprising among others its Secretary-General, Mr. Cyril Ramaphosa, and the Director of its International Affairs Department, Mr. Thabo Mbeki. A further meeting was specially arranged on 29 July 1992 between the Special Representative and the President of ANC, Mr. Nelson Mandela, upon the latter's return to South Africa from a mission abroad. Also seen by the United Nations team on 23 July 1992 was a delegation from the Azanian People's Organization (AZAPO), led by Mr. Phandelani Nefolovhdodwe. On 24 July, the United Nations team met with a delegation from the Democratic Party comprising Mr. Zach de Beer and Mr. Colin Eglin. On 25 July, a meeting was held with a delegation of the South African Communist Party (SACP), led by its Chairman, Mr. Joe Slovo.

6. On the same day, 25 July 1992, discussions were, in addition, held with delegations from Bophuthatswana, led by Mr. L. M. Mangope; from Venda, led by Brigadier Ramushwana; from Transkei, led by Major-General Bantu Holomisa; and from Ciskei, led by Brigadier Oupa Gqozo.

7. Discussions with political parties were resumed on 27 July 1992, when the mission met a delegation from the Patriotic Front Parties participating in the Convention for a Democratic South Africa (CODESA) (the Labour Party, led by Mr. Eddie Samuels, and the Transvaal Indian Congress, led by Mr. Cassim Saloojee). On 28 July 1992, the mission received a delegation of the Conservative Party led by Mr. A. P. Treurnicht. This was followed by a meeting on the same day with the National People's Party, led by Mr. A. Rajbansi. On 30 July 1992, the mission received a delegation from the Boerestaat Party, led by Mr. Robert van Tonder. On 31 July 1992, it met with representatives of the Solidarity Party led by Mr. J. N. Reddy, and, subsequently, with a delegation from the Natal Indian Congress comprising Mr. F. M. Meer, Mr. Zac Yacoob and Mr. P. Gordhan.

8. As a remarkable contribution is being made to the political and social evolution of South Africa by prominent individuals and civic groups, the United Nations mission welcomed the opportunity to meet with a wide range of such persons and to seek their advice. They included, in particular, Justice Richard Goldstone, Chairman of the Commission of Enquiry into Public Violence and Intimidation; Mr. John Hall and Mr. Antonie Gildenhuys of the National Peace Committee and its secretariat, and also representatives of regional and local peace committees. The mission met with Archbishop Desmond Tutu and, on more than one occasion, with the most senior leaders of the South African Council of Churches. It also received the Chairman of the Afrikaner Freedom Foundation; the head of an Independent Board of Inquiry; representatives of Lawyers for Human Rights and of the Legal Resources Centre. Meetings were held with individual members of Parliament and outstanding legal and constitutional scholars. The mission met with the trade union movement as represented by the Congress of South African Trade Unions (COSATU); and with leaders of the business community, including those representing the National Federation of the Chamber of Commerce (NAFCOC), the South African Chamber of Business (SACOB) and the South African Employers' Consultative Committee on Labour Affairs (SACCOLA). An exchange of views was also held with editors of major South African newspapers.

9. In order to focus discussions on the principal purposes of the mission, as set out in Security Council resolution 765 (1992), the Special Representative encouraged his interlocutors, as far as possible, to record their views in writing as well. The mission also had the benefit of written submissions from a wide range of groups and persons, some of whom, for reasons of time or scheduling, it was not possible to meet with personally.

10. The Special Representative would like to express his deep gratitude to all those who presented the mission with the benefit of their advice and experience. In order to add to his understanding of the situation on the ground, the Special Representative, accompanied by Mr. Dayal, travelled with Justice Goldstone to Boipatong and Crossroads, the scenes of recent tragedies, on 29 July 1992. He also met with representatives of the International Committee of the Red Cross (ICRC) and the International Federation of National Red Cross and Red Crescent Societies to learn of their endeavours in the country. In addition, the Special Representative held meetings, at their request, with representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America and the representatives of States that are members of the European Community (EC).

11. An outline of the programme of the mission is attached to the present report, together with a list of each of the delegations received by the mission (see annex). The titles following the names in the annex are those provided by the respective participants in the meetings. With regard to certain of the participants, the position of the United Nations remains as expressed by the President of the Security Council at its 3096th meeting, in which, in giving the floor to certain speakers under rule 39 of the Council's provisional rules of procedure, he stated: "This does not in any way entail the recognition by the Council or any of its members of the organization or entity he claims to represent." (S/PV.3096)

12. Given the extensive nature of the discussions held by the mission, and the many detailed written submissions presented to it, the following section of the report seeks to summarize the main points expressed by the parties to the mission.

II. SUMMARY OF VIEWS EXPRESSED TO THE MISSION

A. Discussions with the Government

13. On the subject of violence, the Government was of the view that it retained the primary responsibility for the maintenance of order, although that did not mean that the other parties to the National Peace Accord were absolved of their responsibilities. It was emphasized that President de Klerk had taken numerous initiatives to combat the violence. They had resulted, for example, in the National Peace Accord coming into being on 14 September 1991, and in the appointment of the Goldstone Commission. Further, the State President had repeatedly invited Mr. Mandela and Chief Buthelezi to a joint meeting in order to demonstrate that the leaders of those parties which were, in the Government's view, the three main parties, would act together to end violence. The Government added that, in view of Mr. Mandela's initial refusal, the State President had now extended the invitation to include a delegation from the National Peace Committee.

14. Continuing, the Government indicated that it had increased the strength of the police force and almost doubled its budget. It stated that it had adopted legislation to combat intimidation, violence and the illegal possession of arms.

15. Further, while observing that the origins of violence were complex, the Government stated that the Goldstone Commission had identified the main causes of political violence as the struggle for power between ANC and Inkatha. Other factors, in its view, were the role of "radicals", the high crime rate, due in large measure to growing unemployment, and the availability of weapons, 1,617 of which had been confiscated in 1991, including some 1,000 AK-47s.

16. The Government stated that, in response to recommendations of the Goldstone Commission, regulations had been drafted to prohibit the carrying of dangerous weapons in public places within "unrest areas", and that urgent attention was being given to the carrying of traditional weapons and to single migrant workers' hostels. The Government added that Battalion 32 was being disbanded and absorbed into other units, while Koevoet was similarly being disbanded and that its former members would be deployed to prevent the theft of livestock.

17. Referring to the mass mobilization programme of the ANC alliance, the Government expressed the view that it would provoke violence, delay the search for democratic solutions and disrupt the economy and social services. Further, in its view, jobs would be lost and international market opinion would turn against South Africa just when development required urgent foreign investment.

18. On the subject of negotiations, the Government indicated that only through such a process could South Africa be transformed into a united, non-racial and democratic State; however, the ANC alliance had shown little flexibility. The Government added that it wanted to ensure a system whereby any government that was formed would be with the consent of the vast majority of the governed, that it would be accountable through free and fair elections in a multiparty system, on the basis of one person, one vote; and that it would be brought closer to the people through the devolution of power to regions. Human rights would be entrenched in the Constitution and protected by an independent judiciary. The Government added that, if a transitional Constitution had not been replaced by a final version within three years, a general election could be held to elect a new transitional parliament.

19. The Government stated that there was substantial agreement between it and the ANC alliance when the latter withdrew from the second plenary session of CODESA (CODESA II). However, regional devolution remained a major difference, with the Government strongly supporting a regional government system where powers, functions and boundaries would be agreed to prior to the adoption of the transitional Constitution. The Government denied that those proposals implied a veto power for the "White" segment of the population. The Government added that it had offered flexible time-tables with respect to a transitional Constitution and that draft legislation had been prepared and should have been submitted to Parliament had CODESA not been delayed. It was the view of the Government that both the transitional and final Constitution should provide for a Bill of Rights, maximum devolution of power, various checks and balances, including a bicameral parliament, and proportional representation.

B. Discussions with the political parties

20. These are summarized, as far as possible, in the sequence in which the discussions took place with the United Nations team.

21. IFP, led by Chief Mangosuthu Buthelezi, expressed deep concern that the process of CODESA had been disrupted by the withdrawal of ANC. IFP considered that the structures of CODESA were weak and that its list of participants was seriously incomplete not least because of the exclusion of KwaZulu. Further, CODESA lacked a dispute-resolving machinery at the level of head of party. IFP accordingly felt that there was a need for the convening of a multiparty conference of review to look into the entire situation and to serve as a permanent structure for deadlock resolution. IFP also believed that only a federal constitutional model could reconcile the disparate sectors of South African society and that powers should be devolved from regional governments to the central Government. Without such a concept being adopted, IFP feared the continuation of violence. It deplored what it described as serious violations of the code of conduct for political parties, as laid out in the National Peace Accord, by ANC and its allies. While condemning the Boipatong massacre, IFP also deplored the comparative indifference of the international community to the slaying of its supporters at Crossroads.

22. Led by its President, Mr. Clarence Makwetu, the PAC delegation stated that the CODESA process lacked credibility and should be replaced by a conference chaired by the United Nations and convened in a neutral venue. In the absence of a truly democratic process in South Africa, PAC called on the international community to establish an independent commission to examine the structures of the South African Government so as to ensure free and fair elections in the country. Regarding violence, PAC held the Government of South Africa and its security forces responsible for much of the current violence. It called for a United Nations commission to investigate, monitor and adjudicate matters relating to violence and for the expulsion from South Africa of mercenary forces, such as Koevoet and Battalion 32, under United Nations supervision. PAC also favoured the holding of elections, under United Nations supervision, for a constituent assembly which should draw up a Constitution for a unitary State.

23. The ANC delegation which met with the United Nations team on 23 July 1992 was led by its Vice President, Mr. Walter Sisulu. After reiterating in general terms the conditions of ANC for the resumption of talks, as communicated to President de Klerk by Mr. Mandela, the delegation emphasized in particular the need for the full and speedy implementation of the recommendations of the Goldstone Commission, especially those relating to the fencing of hostels, the disarming of their residents and the prevention of weapons leaving or entering those premises. ANC also stressed the early implementation, by legislation, of the Goldstone Commission recommendation that the carrying of all dangerous weapons in public be prohibited - not only in "unrest areas". Further, ANC called for the disarming and confining to barracks of all special force counterinsurgency units, including Koevoet, Battalions 31 and 32, the Civil Cooperation Bureau (CCB), certain reconnaissance battalions and the Askaris, and an end to all covert operations. Continuing, ANC urged the strengthening of the mechanisms for the implementation of the National Peace Accord, inter alia, by the provision of United Nations monitors, consultants and advisers. The release of all remaining political prisoners was stressed by ANC, as was the repeal of all oppressive legislation including some that, in its view, had been rushed through the last session of Parliament.

24. Referring specifically to the role of the United Nations in furthering the political process, ANC envisaged United Nations monitors in the following sectors: military - to monitor the disbanding and confinement to barracks of special force counterinsurgency units; security - to monitor the South African police; civilian - to monitor the implementation of the National Peace Accord, including the code of conduct for political parties and organizations. In the concept of ANC, the United Nations monitors would maintain "early warning offices" to receive information from the public relating to possible or impending violence.

25. In a working paper handed to the United Nations mission subsequently, ANC stressed the need for an adequate and not merely a symbolic number of United Nations monitors, having freedom of movement and the independent resources

needed to act as the "eyes" of the international community. A size of some 400 to 450 persons was suggested for this purpose, with the monitors having a background, preferably, in policing.

26. A special meeting was arranged between Mr. Vance and Mr. Nelson Mandela on 29 July 1992, soon after the latter's return from a mission abroad. In that meeting, after emphasizing that he wished to return to the negotiations, Mr. Mandela turned to certain of his present concerns. They included the need to release all political prisoners and problems that he had encountered on constitutional matters. Mr. Mandela recounted the status of President de Klerk's discussions with him regarding the percentage of votes required on delicate constitutional issues and reviewed the negotiations that had been held to date. He also explained the current status of negotiations with respect to the creation and powers of a senate, which posed serious problems for him. The continuance of violence remained a grave concern of Mr. Mandela and, in that connection, he reiterated the great importance that he and his Party attached to the full implementation of the recommendations of the Goldstone Commission.

27. The AZAPO delegation led by its President, Mr. Phandelani Nefolovhdodwe, reverted to the idea that the negotiations under way in the country should be chaired by an impartial personality, nominated by the international community. AZAPO also urged the creation of a transitional authority, under international auspices, to supervise the transition to democracy and a United Nations peace-keeping force to assume control of the security of the nation during the transitional period. Without such arrangements, AZAPO could not see a peaceful transition to a democratic South Africa.

28. The delegation of the Democratic Party, comprising Mr. Zach de Beer and Mr. Colin Eglin, drew the attention of the mission to a recent "Independent survey of the violence in South Africa", prepared by the International Commission of Jurists and to the interim reports of the Goldstone Commission. They noted that, while considerable progress had been made nation-wide in setting up the structures envisaged in the National Peace Accord, those structures had not so far been able to achieve very much, largely because of a lack of cooperation from the major parties. They nevertheless constituted an important resource in the effort to end violence and to attain democracy. In the view of the Democratic Party, the international community could play a valuable role through monitoring the situation in South Africa and reporting on it objectively. That applied both to the issue of violence and to the negotiating process. With regard to the latter, international observers could help to ensure steady progress.

29. The SACP delegation led by its Chairman, Mr. Joe Slovo, asserted that the security forces resorted to strategically planned violence and large-scale covert operations. SACP therefore requested comprehensive international monitoring of the security forces, of their deployment, operations, personnel and documentation. The delegation further requested that international monitoring should extend to the activities of the major political players and, indeed, to the State-owned South African Broadcasting Corporation (SABC). As

regards the negotiating process, SACP had considered it essential to withdraw from CODESA as the latter had lost its credibility. It was stressed that those participating in CODESA had not been elected by the people and the Government itself was involved in violence. For the process to resume, the issue of violence and the Government's commitment to democracy had first to be resolved to SACP's satisfaction.

30. The delegation from Bophuthatswana, led by Mr. L. M. Mangope, informed the mission that a way had to be found to "force" the parties back to the CODESA process. He stated that violence in South Africa was the result of one party trying to eliminate the other parties. There was need for liberation movements to convert themselves into political parties; they must cease to have private armies or recourse to intimidation. President Mangope added that any involvement of the United Nations in South Africa must be impartial and totally independent.

31. The delegation from Ciskei, led by Brigadier Oupa Gqozo, stated that CODESA was sabotaged by radicals. His delegation was of the view that only a federal structure, with primary powers vested in the regional governments, could be suitable for South Africa and for Ciskei. He urged a return to negotiations while condemning what he described as repeated acts of violence and destabilization by ANC.

32. Brigadier Ramushwana, leading the delegation from Venda, urged the involvement of the international community in the negotiating process. He stressed the need for an impartial chairperson or convenor as, at present, the South African Government was involved both as a player and as the referee.

33. The delegation from Transkei, led by Major-General Bantu Holomisa, suggested that an international monitoring group should be sent to South Africa to attend to matters to which he had referred in detail when addressing the Security Council at its 3096th meeting on 16 July 1992. Before negotiations could be resumed, State-sponsored violence had to end, as also did the repression of political activity, specifically in some of the homelands. It was added that the use of mercenary formations should be ended in the townships and that such units should be disbanded and repatriated to their countries of origin. There was need to release all political prisoners and to repeal certain security legislation that inhibited legitimate political activity.

34. The Labour Party of South Africa, led by Mr. Eddie Samuels, urged a United Nations peace-keeping presence in South Africa to monitor violence. Observing that the recommendations of the Goldstone Commission had not been acted upon fully, the Labour Party also urged the strengthening of the mechanisms of the National Peace Accord and a more active role by the international community in dealing with the situation in South Africa.

35. The Transvaal Indian Congress, led by Mr. Cassim Saloojee, urged the establishment of an international monitoring commission to end the violence and to clear the way for an interim Government of national unity that would

precede the holding of free and fair elections for a constituent assembly. The international monitoring group would complement the mechanisms set up under the National Peace Accord and oversee the demobilization of special forces such as Koevoet and Battalions 31 and 32.

36. A delegation of the Conservative Party, led by Mr. A. P. Treurnicht, informed the mission that the party was opposed to and rejected any foreign involvement in the South African situation in contravention of Article 2, paragraph 7, of the Charter of the United Nations. The Conservative Party also rejected the concept of a "united South Africa". Instead, it proposed a Southern Africa consisting of States independent of each other but economically interdependent. It preferred a confederal or commonwealth arrangement for the various peoples or nations of Southern Africa, based on their voluntary participation and on a politically independent basis. The party observed that ethnicity was a world-wide reality and could not be ignored in Southern Africa.

37. The National People's Party, led by Mr. A. Rajbansi, stated that the National Peace Accord should be implemented fully. It recommended a strong United Nations monitoring presence as a means of reducing violence and urged the reconvening of CODESA.

38. A delegation of the Boerestaat Party, led by Mr. Robert van Tonder, stressed that South Africa was not a country but a sub-continent comprising some 14 different peoples, who should be allowed to form their individual nation-States. He urged that the Government of South Africa should create a negotiating forum based on a recognition of the existence of different peoples, as well as of their right to restore their statehood. He observed, in that connection, that the Boer Republic of Transvaal and the Free State had been independent and internationally recognized until the Boer War of 1899-1902.

39. The delegation of the Solidarity Party, led by Mr. J. N. Reddy, informed the mission that, just as the South African Government had a legal responsibility to end violence, the people had a moral responsibility to do so. The Party advocated a moratorium on mass actions and called on the signatories to the National Peace Accord to respect and adhere to all of its provisions in order to create a climate conducive to negotiations. The Party favoured an international group, under the auspices of the United Nations, to monitor the violence and to evaluate the process of negotiations.

40. A delegation of the Natal Indian Congress recounted the history of the Indian community in South Africa and of the more recent acts of violence and intimidation against its members. The delegation urged a strong United Nations monitoring presence in South Africa as a way of curbing violence. The monitoring, in the view of the delegation, needed to be comprehensive and "supervisory" and a number of specific suggestions were communicated to the mission in that regard.

C. Discussions with leading individuals, church groups, business and trade union organizations

41. The mission had extensive discussions, throughout its stay in South Africa, with Justice Richard Goldstone, Chairman of the Commission of Enquiry into Public Violence and Intimidation. Two interim reports of the Commission have already been made public, as well as a report on train violence and on a code of conduct for mass demonstrations. Likewise, a "Report of the enquiry into the police response to, and investigation of, events in Boipatong on 17 June 1992", prepared by Mr. Waddington of Reading University for the Commission, has also been made public. A number of other significant inquiries are under way.

42. In these circumstances, it would either be repetitive or premature to elaborate in the present report on the details of the work being done by the Goldstone Commission. But certain observations, arising from the discussions with Justice Goldstone, need to be made. First, the terms of reference of the Commission are unusually wide and are currently viewed by Justice Goldstone as adequate. Second, its reports, once written, are first submitted to the State President and only after study by the Government are they distributed more widely. Third, the Commission has unusual powers; witnesses are required to answer all questions, even those that may be considered self-incriminating (although statements made before the Commission cannot be used for prosecution). Fourth, the Commission has unlimited powers of search and seizure of documents.

43. These points relating to the Commission are being made because of the exceptional scope of its work and the high expectations generated by its recommendations.

44. From conversations with Justice Goldstone and others, however, it appears that certain important recommendations have not so far been fully implemented and that this is exacerbating an already volatile situation. Notable among these has been the inability so far to effect a total ban on the public display of dangerous weapons, not only in "unrest areas", and a failure to act sufficiently with regard to the hostels. There is also the perception that none of the major political parties has taken sufficiently firm steps to stop its supporters from participating in situations or acts of violence.

45. Indeed, the capacity for political violence is so central to the core of the problems creating a lack of trust in the political life of South Africa that Justice Goldstone, and others with whom the mission discussed this issue, believed that the entire matter should be the subject of a series of further investigations.

46. In undertaking his expanding tasks, Justice Goldstone has already been able to draw upon experience and assistance from abroad. Justice Bhagwati of India serves as an assessor to the Commission. Mr. Waddington of the United Kingdom has already assisted with the report on the police response to the Boipatong tragedy. Justice Goldstone indicated his readiness to keep in touch

with the United Nations should he need its assistance in arranging further international support for his Commission. Further, Justice Goldstone urged the United Nations mission to do all that it could to strengthen the mechanisms created by the National Peace Accord. He was of the view that existing South African structures should be used as the instruments through which the international community should play a role in seeking to curb the violence.

47. The roles of the National Peace Committee and of the National Peace Secretariat, which were established under the National Peace Accord of 14 September 1991, were thoroughly discussed by the mission with Mr. John Hall and Mr. Antonie Gildenhuys, the chairpersons of those two bodies. They explained that the Accord provided a comprehensive framework for ending violence in the country, having been signed, among others, by all of the major political parties, the trade unions and religious and civic organizations. The Accord, apart from envisaging mechanisms at the central, regional and local levels, also elaborated a code of conduct for political parties and organizations which, if followed, would end violence and promote peace and reconstruction.

48. The mission was informed that, at the grass-roots level, the National Peace Secretariat had established 11 regional dispute resolution committees covering all parts of the country. However, despite the avowed intention of all concerned to implement the National Peace Accord, violations had been frequent and the Secretariat itself still lacked the necessary infrastructure, logistic support as well as sufficient full-time personnel to discharge its duties effectively.

49. Most of my Special Representative's interlocutors, as well as the chairpersons of the regional dispute resolution committees with whom he met, urged the United Nations to strengthen the capacity of the National Peace Secretariat through the posting of an adequate number of United Nations observers to South Africa; these observers would work in full consultation with the National Peace Committee.

50. The mission greatly valued the exchange of views it had with Archbishop Desmond Tutu and, subsequently, with a very senior and widely based delegation of the South African Council of Churches. The discussions took place against the backdrop of the failure of efforts to stave off mass demonstrations planned to commence on 3 August 1992 and the fear that that aroused of widespread violence.

51. The leaders of the Church expressed their pain and anguish at the legacy of apartheid, the deadlock at CODESA II, the threat of mass action and the danger of violent response, the rising unemployment in a society without socio-economic balance and the failure of the SACCOLA-COSATU attempt to agree upon a charter for peace, democracy and reconstruction.

52. Faced with a breakdown in constitutional negotiations which, in their view, resulted from a demand on the part of Government to build into any Constitution a minority veto, the Church leaders urged the establishment of an internal peace-keeping force, composed of an entirely newly created unit. They added that an international monitoring team, with investigative powers, should work closely with such an internal peace-keeping force, and called - as had others - for the disarming and confinement to base of special forces that had engaged in covert operations. The Church leaders stressed, not least, that the recommendations of the Goldstone Commission should be fully implemented.

53. As the mission progressed, and as the day for the mass demonstrations grew closer, the Church leaders kept in touch with the Special Representative, keeping him informed of their conversations with the State President and the leaders of COSATU and SACCOLA and of their efforts to restrain violence.

54. The mission also had the benefit of exchanging views with the Lawyers for Human Rights, who also called for a commission to study the feasibility of creating a South African peace-keeping force that would be trusted by all parties. The group also urged the strengthening, through a variety of practical measures, of the machinery created by the National Peace Accord and of the Goldstone Commission.

55. A detailed discussion was held between the mission and the leadership of COSATU. The latter attributed the breakdown in the political process to the unwillingness of the Government to commit itself irrevocably to majority rule and to universal norms of democracy, and its inability to control violence. The COSATU delegation explained its efforts to agree with SACCOLA to a charter and programme for peace, democracy and economic reconstruction and gave its reasons for the failure of that undertaking. In the circumstances prevailing in South Africa, COSATU urged the establishment of an international monitoring mission by the United Nations, independent of the National Peace Accord structures, but complementary to them. As for the mass action, COSATU considered it essential to proceed, as planned, in order to make the Government accede to majority rule and to act against violence. COSATU indicated it would welcome the presence of United Nations monitors to observe the mass action.

56. Amongst the other distinguished individuals received by the mission were Mr. C. Boshoff, Chairman of the Afrikaner Freedom Foundation, seeking self-determination through peaceful means for the Afrikaner people, and Mr. J. H. van der Merwe, an independent Member of Parliament, who expressed his views on the future constitutional arrangements and the need for maximum devolution to the component states.

57. The mission also benefited from gaining the views of Mr. John Dugard, of the Independent Board of Inquiry; Mr. Arthur Chaskalson, of the Legal Resources Centre; Judge Pierre Olivier; and Mr. Van Zyl Slabbert and Mr. Alex Bouraine of the Institute for a Democratic Alternative for South

Africa (IDASA). Special insight was gained into the economic situation in the country through conversations with representatives of SACOB and the National Federation of the Chamber of Commerce (NAFCOC).

D. Interim measures taken while in South Africa

58. While the purpose of the mission remained focused, at all times, on the twin objectives set by paragraph 4 of resolution 765 (1992), namely, "to recommend after, inter alia, discussion with the parties, measures which would assist in bringing an effective end to the violence and in creating conditions for negotiations leading towards a peaceful transition to a democratic, non-racial and united South Africa", it was necessary, even during the mission, to ensure that the mass actions scheduled for 3 August did not erupt into uncontrollable violence despite the wishes of all parties concerned.

59. It was therefore necessary for my Special Representative and me to take certain exceptional interim measures aimed at preventing, if possible, such a catastrophic possibility.

60. Accordingly, upon the advice of my Special Representative, and following discussions which he had held with the Government, ANC and Inkatha at the highest levels, I wrote to President de Klerk, Mr. Mandela and Chief Buthelezi on 27 July 1992 expressing my concern that the mass demonstrations planned for 3 August 1992 could take a turn towards violence, contrary to the wishes of all the parties in South Africa. I noted that such violence could readily be sparked by provocateurs and that that must, by all means, be avoided. I emphasized that it would be tragic and ironical in the extreme if the Vance mission were to be followed by an eruption of violence - a development that would be wholly inconsistent with the purposes of the Security Council resolution. I therefore urged my addressees to do all in their power, in association with the leaders of the principal political parties, to stave off such an eventuality.

61. My letters received an immediate response. In a telephone conversation with me on 29 July 1992, Mr. Mandela, who had met Mr. Vance earlier in the day, assured me that ANC would do all in its power to avoid violence. He requested that I consider sending some 10 observers to witness the demonstrations across the country. Mr. Vance discussed this idea, among others, with President de Klerk and members of his Cabinet on 30 July 1992. There was ready acceptance of the concept, the State President indicating that he had no objection to the presence of impartial and objective observers, representing the Secretary-General, for the purpose of observing the proposed mass campaign. The State President urged that those observers, if sent, should act in coordination with the National Peace Secretariat and have full freedom of movement to observe the demonstrations and mass actions as they chose. In light of these reactions, seven observers were immediately dispatched from New York to supplement three who were present in South Africa. They are, as of the time of writing the present report, observing the mass action in eleven different regions of South Africa.

62. Another major issue on which my Special Representative considered it essential to take immediate steps related to political prisoners who remain under detention and whose fate is of great concern. The matter was raised with him by ANC on 23 July and, again, by Mr. Mandela, on 29 July. Mr. Vance accordingly discussed the question with President de Klerk on 30 July 1992, as he had earlier with Foreign Minister Botha on 26 July 1992. On 31 July 1992, Mr. Vance arranged a meeting on this subject between the Justice Minister, Mr. Coetsee, and the Director of the ANC International Affairs Department, Mr. Mbeki. It is essential that this painful problem should be expeditiously resolved. If so handled, it would, in a bold and humane gesture, do much to bury the past and to clean the slate of distrust.

III. OBSERVATIONS

63. From my discussions with Mr. Vance and Mr. Dayal since their return from South Africa, I have been struck by the range and depth of the talks that the United Nations delegation held while in that country. I have also been profoundly impressed by the open and responsive manner in which they were received by all sectors of society. I view this as further evidence of a transformation taking place in that country as its leaders and peoples strive to create a democratic, non-racial and united South Africa.

64. The path to the attainment of this objective will not be easy. Violence in whatever form must be brought under control and conditions established to ensure the success of the negotiating process. Decades of apartheid have left a painful legacy of distrust and anguish, and these persist despite the resilience and courage of those who wish to see their country on an irreversible new course.

65. The unanimous adoption of resolution 765 (1992) by the Security Council strengthened the hands of those so motivated. It also heightened expectations that the continuous involvement of the Security Council in this new phase of South Africa's evolution will be marked by understanding and a readiness to contribute constructively to the process of peaceful change.

66. It is with this in mind, and in this spirit, that I recommend the measures that follow to bring an effective end to the violence and to create the conditions for the resumption of negotiations envisaged in resolution 765 (1992).

67. It is neither necessary nor possible here to recount the far-reaching work being undertaken by Justice Richard Goldstone, Chairman of the Commission of Enquiry into Public Violence and Intimidation. Suffice it to say that it commands widespread respect in South Africa and abroad. I believe that the efforts of the Goldstone Commission should be supported by the international community and the recommendations of the Commission should be fully and speedily implemented by the Government and, when so required, by the parties in South Africa.

68. Without wishing to select arbitrarily from among the many recommendations of the Goldstone Commission, I believe that those relating to a total ban on the public display of dangerous weapons and the security of hostels need to be acted upon with utmost urgency, as recent events have sadly proven necessary. Further, I believe that the Commission's code of conduct for mass demonstrations can do much to control violence. It is also necessary, in my view, that the leaders of the major political parties should, as the Goldstone Commission recommends, take firm steps to stop their supporters from participating in acts of violence.

69. The long-standing capacity for violence by the various political groups in South Africa is so central to the lack of trust in the political life of the country that I feel it must be remedied. Accordingly, I recommend that the Goldstone Commission undertake a series of investigations into the functioning and operations of certain agencies, inter alia, the army and police, the Umkontho we Sizwe (MK), the Azanian People's Liberation Army (APLA), the KwaZulu police and, more generally, certain private "security firms". My Special Representative has discussed this proposal with Justice Goldstone and certain of the parties who are of the view that such investigations could indeed serve to curb violence and be of benefit to the country as a whole. While such investigations would widen the scope of the work of the Goldstone Commission, they could be undertaken within its present terms of reference. Should the Commission need further financing for its expanded work, I would urge the Government to be forthcoming.

70. The Commission has welcomed suitable international assistance. Certainly the Waddington report and the assessorship of Justice Bhagwati have been very positive developments. It may well be useful in the future to have senior personnel seconded to the Commission, in addition to a pool of jurists to sit on the committees of inquiry. The choice of properly qualified, suitable and compatible persons will need to be adequately and sufficiently addressed. Should Justice Goldstone feel the need, at any stage, for assistance from the international community and the United Nations in this regard, I recommend that the Organization respond positively and appropriately.

71. The reports of the Goldstone Commission when written are, at present, submitted first to the State President and only after being reviewed by the Government are they made public more widely. I believe political and public opinion in South Africa would welcome the reports being made available to all signatories of the National Peace Accord within 24 hours of submission to the State President. I recommend this course of action, which would enhance the impact and credibility of the reports.

72. Finally, as far as the Goldstone Commission is concerned, I believe it is essential that any further investigations and prosecutions that are required pursuant to its reports should be undertaken promptly by the competent departments of the Government. Such action would enhance the credibility of the law enforcement machinery of the country.

73. The National Peace Accord of 14 September 1991 establishes a comprehensive framework, agreed upon by all the major parties, organizations and groups of South Africa, to end violence and to facilitate socio-economic development and reconstruction. The mechanisms foreseen under the Accord, however, lack teeth and need to be greatly strengthened. This was the unanimous view of all those who discussed this matter with the United Nations delegation, including those who are associated with the existing structures of the National Peace Secretariat.

74. Both the National Peace Committee and the National Peace Secretariat need to be more consistently and substantially supported from the highest political levels, as do the 11 regional dispute resolution committees covering all parts of the country. Most importantly, they require financing and full-time staff of the requisite calibre. Further, there is desperate need for efficient, functioning offices or operations centres at the major "flashpoints"; these should be staffed on a 24-hour basis and fully funded and equipped. For each of such offices there should be a standing group composed of representatives of the Government, ANC, Inkatha and other concerned parties. Such offices should be capable at all times of acting immediately to defuse incipient problems; they should have prompt and direct access to law enforcement agencies. I recommend the earliest establishment of such offices.

75. I have reflected deeply on the many serious requests made to the United Nations to dispatch monitors to South Africa for the various purposes referred to above. I understand the concerns expressed and the anxieties they reflect. I am most appreciative of the many bold and constructive ideas conveyed to my Special Representative in the course of his discussions and I have weighed these most carefully.

76. Given the mechanisms already established by the National Peace Accord, to which all parties have agreed, I have concluded that, at this stage, the wisest course of action would be to strengthen and reinforce those mechanisms. Such action would, in my view, contribute tangibly to enhancing the capacity of indigenous structures that can play a major role in the building of peace, both in the present and in the future. I recommend, accordingly, that the United Nations make available some 30 observers to serve in South Africa, in close association with the National Peace Secretariat, in order to further the purposes of the Accord. The observers would be stationed in agreed upon locations, in various parts of South Africa. As necessary, their number could be supplemented by other appropriate international organizations, such as the Commonwealth, the EC and the Organization of African Unity (OAU). I am of the view that the practical arrangements stemming from this recommendation should be the subject of early and detailed discussions between the United Nations, the Government and the parties concerned. I believe, in this connection, that the experience gained by the dispatch of 10 United Nations observers to cover the present mass demonstrations could serve a valuable purpose in defining the tasks and methods of functioning of the larger group that I am recommending.

77. I would also urge that the Government act expeditiously to ensure the early appointment of the Justices of Peace and the establishment of the special criminal courts envisaged in the National Peace Accord.

78. The reasons for the violence in South Africa are, of course, complex and deep. But the special desperation that apartheid brought to the country can, in the long run, only be remedied by rapid progress towards the creation of the democratic, non-racial and united South Africa that is the goal of the negotiations and the objective not only of the CODESA process but of the international community as a whole.

79. The task of conducting these negotiations is uniquely the responsibility of South Africans themselves, and I was heartened by statements made to my Special Representative of the determination of the major parties to return, as early as possible, to the negotiating table. I urge such a course of action, for the time otherwise lost is precious and even more so are the lives. I am strongly of the view that actions such as the immediate release of all remaining political prisoners could contribute greatly to improving the political climate, creating trust and burying the unhappy past. In this connection, it is also important that reporting on State-owned radio and television be, and be seen to be, fair and objective.

80. For all of its shortcomings, the CODESA process must be pursued and improved. I believe it needs to encourage others, who have not yet joined, to do so, in the interests of the country and of peace. I am convinced that its processes must be better coordinated and made much more transparent. Considerable progress has been accomplished in the working groups, but too few know of this, or of the precise issues that need to be resolved. There is a manifest need to establish a deadlock-resolving machinery at the highest political level. In addition, there may well be need for CODESA to consider the appointment of an eminent and impartial person, who need not be a foreigner, to draw the strings together and to provide the impetus and cohesion that CODESA needs to accomplish its tasks. I recommend that these ideas be considered further by all concerned in South Africa.

81. In a time such as this, crucial to South Africa and the world alike, it is most important that the Security Council should have decided, in its resolution 765 (1992), to "remain seized of the matter until a democratic, non-racial and united South Africa is established".

82. To discharge its function, I believe that the Security Council should have before it information that is regular, impartial and objective. To this end, I would propose that missions such as that just completed should be undertaken on a quarterly basis or more frequently, if the situation so warrants, and that reports be provided to the Council.

83. The role of the international community and of the United Nations in particular can, at this moment, be profound and beneficial. It can facilitate a great and peaceful transition of historic proportion in a part of the world that has suffered too long.

Annex

Schedule of meetings of the Special Representative of the Secretary-General for South Africa

Pretoria, 22 July 1992

Meetings with State President and Cabinet Ministers:

Morning

Mr. F. W. de Klerk, State President

Mr. R. F. Botha, Minister for Foreign Affairs

Mr. G. van N. Viljoen, Minister of State Affairs

Mr. R. P. Meyer, Minister of Constitutional Development and of Communication

Mr. H. J. Kriel, Minister of Law and Order

Mr. H. J. Coetsee, Minister of Justice

Mr. G. Louw, Minister of Defence

Luncheon

Mr. F. W. de Klerk, State President

Mr. R. F. Botha, Minister for Foreign Affairs

Mr. G. van N. Viljoen, Minister of State Affairs

Mr. D. J. de Villiers, Minister for Public Enterprises

Mr. H. J. Coetsee, Minister of Justice

Mr. H. J. Kriel, Minister of Law and Order

Mr. R. P. Meyer, Minister of Constitutional Development and of Communication

Mr. G. Louw, Minister of Defence

Afternoon

Mr. G. van N. Viljoen, Minister of State Affairs

Mr. R. P. Meyer, Minister of Constitutional Development and of Communication

Mr. D. J. de Villiers, Minister for Public Enterprises

Mr. S. J. de Beer, Minister of Education and Training

Mr. E. H. Venter, Minister of National Health

Mr. L. Wessels, Minister of Local Government and National Housing

Mr. P. G. Marais, Minister of National Education

Mr. R. F. Botha, Minister for Foreign Affairs

Mr. D. L. Keys, Minister of Finance and of Trade and Industry

Mr. D. J. de Villiers, Minister for Public Enterprises

Johannesburg, 23 July 1992

Morning

Inkatha Freedom Party (IFP)	Chief Mangosuthu Buthelezi, President Mr. F. T. Mdlalose, Chairman Mr. Inkosi S.H. Gumede, Deputy Secretary-General Mr. Dennis Madide, Executive Committee of the Central Committee Mr. B. S. Ngubane, Executive Committee of the Central Committee Mr. Joe Matthews, Personal Adviser to the President
Pan Africanist Congress of Azania (PAC)	Mr. Clarence Makwetu, President Mr. Barney Desai, Secretary for Information and Publicity Mrs. Patricia de Lille, Secretary for Relief and Aid Mr. Tobela Gola, Assistant General Secretary Mrs. Elizabeth Sibeko, Secretary for Projects and Development Mr. Mark Shinners, Secretary for Transport Mr. Mike Matsobane, Secretary for Religious Affairs Mr. Benny Alexander, Secretary-General

Afternoon

African National Congress (ANC)	Mr. Walter Sisulu, Vice President Mr. Cyril Ramaphosa, Secretary-General and member of the National Executive Committee Mr. Thabo Mbeki, Director, International Affairs Department and member of the National Executive Committee

	Mr. Jacob Zuma, Deputy Secretary-General and member of the National Executive Committee
	Mr. Aziz Pahad, Deputy Director, International Affairs Department, and member of the National Executive Committee
	Ms. Gertrude Shope, member of the National Executive Committee, and Head of the ANC Women's League
	Ms. Barbara Masekela, Administrative Secretary in the President's Office and member of the National Executive Committee
	Mr. Peter Mokaba, member of the National Executive Committee and Head of the ANC Youth League
	Mr. Mac Maharaji, member of the National Executive Committee and ANC Negotiations Committee
	Mr. Joel Netshitendzhe, member of the National Executive Committee and Negotiations Committee
	Mr. Alfred Nzo, member of the National Executive Committee (former ANC Secretary-General)
Azanian People's Organization (AZAPO)	Mr. Phandelani Nefolovhdodwe, President
	Mr. Mbulelo Rakwena, Foreign Secretary
	Mr. Victor Dlamini, Transvaal President
	Mr. Molatlhegi Tlale, President, Political Education
	Mr. Lybon Mabasa, Projects Coordinator
	Mrs. Mojanku Gumbi, Legal Secretariat
	Mr. Mandla Mtsweni, Secretary for Culture

Johannesburg, 24 July 1992

Morning

Commission of Enquiry into Public Violence and Intimidation	Justice Richard Goldstone
National Peace Committee	Mr. John Hall, Chairman
National Peace Secretariat	Mr. Antonie Gildenhuys, Chairman

Afternoon

Archbishop Desmond Tutu	
Democratic Party	Mr. Zach de Beer
	Mr. Colin Eglin

South African Council of Churches	Bishop S. Mogoba, Presiding Bishop of the Methodist Church of Southern Africa Bishop S. E. Serote, Presiding Bishop of the Evangelical Lutheran Church in Southern Africa Archbishop T. Ntongana, Archbishop of the African Independent Church Mr. B. Naude, Honourary Life Vice-President of the South African Council of Churches The Rt. Reverend W. Napier, Bishop of the South African Catholic Bishops Conference The Rt. Reverend W. Napier, Bishop of the Johannesburg Diocese of the Church of the Province of Southern Africa Reverend Frank Chikane, General Secretary, South African Council of Churches Ms. B. Bam, Deputy General Secretary, South African Council of Churches

Johannesburg, 25 July 1992

Morning

Breakfast meeting with Mr. Van Zyl Slabbert, Institute for a Democratic Alternative for South Africa (IDASA)

South African Communist Party	Mr. Joe Slovo, Chairman Mr. Chris Hani, Secretary-General Mr. Jeremy Cronin Mr. Essop Pahad Ms. Kay Moonsamy Mr. Sizakek Sixgashe Mr. Tuenjine Minutso Ms. Geraldine Fraser

Afternoon

Transkei	Major General M. Bantu Holomisa, Chairman Colonel M. A. Ntshinga, Minister of Police Mr. T. Titus, Legal Adviser

Bophuthatswana	Mr. L. M. Mangope, President Mr. T. M. Setiloane, Minister for Foreign Affairs Mr. R. Cronje, Minister for State Affairs Mr. S. G. Mothibe, Minister of Justice Mr. B. E. Keikelame, Minister of Economic Affairs Mr. S. S. Seane, Deputy Minister for Population Development Mr. J. K. Manyaapelo, Ambassador
Venda	Brigadier M. G. Ramushwana, Head of State Mr. S. E. Moeti, Secretary-General Mr. G. M. Ligege, Counsellor Mr. K. B. Magwaba, Counsellor Mr. S. R. Makhuvha, Counsellor Mr. M. P. Nthabalala Mr. N. E. Mulaudzi
Ciskei	Brigadier Oupa Gqozo, President Mr. H. J. S. Kayser, Minister of Health Mr. P. P. Jacobs, Minister of Education Chief L. W. Maqoma, Minister of Manpower Mr. M. Webb, Adviser to the President

26 July 1992

Morning - Soweto

Attend service at St. Paul's Anglican Church

Afternoon - Pretoria

Mr. R. F. Botha, Minister for Foreign Affairs

Johannesburg, 27 July 1992

Morning

Afrikaner Freedom Foundation	Mr. Carel Boshoff, Chairman, and Trustee for Constitutional Affairs Mr. Andries Raath, University of the Orange Free State

Patriotic Front Parties in CODESA	
(a) Labour Party	Mr. Eddie Samuels, Secretary-General Mr. Miley Richards, Deputy Leader Mr. Peter A.C. Hendrickse, National Public Relations Officer
(b) Transvaal Indian Congress	Mr. Cassim Saloojee, President Mr. Moosa Moolla, General Secretary

Afternoon

Mr. J. H. van der Merwe, Independent Member of Parliament

Mr. John Dugard, Independent Board of Inquiry

Mr. Brian Currin, Lawyers for Human Rights

Mr. Arthur Chaskalson, Legal Resources Centre

Judge Pierre Olivier, Project Leader, Law Commission's investigation into the possible constitutional options and alternatives for Africa

Johannesburg, 28 July 1992

Morning

Congress of South African Trade Unions (COSATU)	Mr. Godfrey Oliphant, Vice President Mr. Ronald Mofokeng, National Treasurer Mr. Jay Naidoo, General Secretary Mr. Sam Shilowa, Assistant General General Mr. Jayendra Naidoo, National Negotiations Coordinator Mr. Alli Erwin, National Education Officer, NUMSA and COSATU economist
Conservative Party	Mr. A. P. Treurnicht, Leader Advocate Thomas Langley, Member of Parliament for Soutpansberg, and Chief Spokesman on Foreign Affairs for the Party

	Advocate Chris de Jager, Member of Parliament, and Conservative Party Spokesman on Justice and adviser on constitutional matters
	Mr. Jal Theron, Chief Secretary
	Mr. Paul Fouche, Leader of the Conservative Party in the Pretoria City Council
Justice Richard Goldstone, Chairman, Commission of Enquiry into Public Violence and Intimidation	

Afternoon

National People's Party	Mr. A. Rajbansi, Member of Parliament; Leader of National People's Party; member of Management Committee of CODESA; and key delegate to Working Group 3 dealing with transitional arrangements
	Mr. M. Mohanlall, Member of Parliament; Public Relations Officer of Party; key delegate to Working Group 2 dealing with constitutional principles at CODESA
	Mr. D. K. Padayachie, Member of Parliament; Chief Whip of Opposition Party; delegate at CODESA
	Mrs. D. Govender, Member of Parliament; delegate at CODESA dealing with the four Independent States
	Mr. H. M. Neerahoo, Member of Parliament and Adviser to Working Group 2 at CODESA
	Mr. S. Ismail, Delegate in Working Group 2 at CODESA
	Mr. D. Chetty, Delegate in Working Group 1 at CODESA
United Kingdom of Great Britain and Northern Ireland/ United States delegation	Mr. Mark Elliott, Deputy Under-Secretary of State for Africa and the Middle East, United Kingdom;
	Mr. James Poston, Chargé d'affaires, British Embassy;
	Mr. Marshall McCallie, Chargé d'affaires, United States Embassy

European Community	Mr. Anthony Bousmar, Second Secretary, Embassy of Belgium Mr. Peter Hansen, Chargé d'affaires, Royal Danish Embassy Mr. Christian Massett, First Counsellor, Embassy of France Mr. Wolf-Ruthart Born, First Counsellor, Embassy of Germany Mr. Michael Schmunk, First Counsellor, Embassy of Germany Mr. Nicolas Protonotarios, Second Secretary, Embassy of Greece H. E. Mr. Mario Piersigilli, Ambassador, Embassy of Italy H. E. Mr. Piet van Burren, Ambassador, Royal Netherlands Embassy H. E. Mr. Jorge Ritto, Ambassador, Embassy of Portugal Mr. Juan Gonzalez-Barba, Second Secretary, Embassy of Spain Mr. Tim Sheehy, European Community Office
International Committee of the Red Cross	Mr. Toni Pfanner, Head of Regional Delegation
International Federation of National Red Cross and Red Crescent Societies	Mr. Tom W. Buruku, Head of Delegation in South Africa

29 July 1992

Morning

Mr. Nelson Mandela, President, African National Congress

Visit to Boipatong and Crossroads

30 July 1992

Morning

National Federation of the Chamber of Commerce (NAFCOC)	Mr. Archie Nkonyeni, President Mr. Morley Nkosi, Executive Secretary
Mr. Alex Boraine, Institute for a Democratic Alternative for South Africa (IDASA)	

Representatives of regional (RDRC) and local (LDRC) dispute-resolution committees	Mr. Antonie Gildenhuys, Chairperson, National Peace Secretariat Mr. Philip Schalkwyk, Chairperson, Northern Transvaal RDRC Mr. M. C. Pretorius, Chairperson, Natal/KwaZulu RDRC Mr. Jaap Durandt, Vice-Chairperson, Western Cape RDRC Mr. Ray Dibden, Chairperson, Eastern Transvaal RDRC Bishop Trevor v Z de Bruyn, Chairperson, Border/Ciskei RDRC Mr. Henri Lerm, Chairperson, Orange Free State RDRC Mr. Brian Smith, Chairperson, Eastern Cape, RDRC Mr. Andre Lambrecht, Chairperson, Wits/Vaal RDRC Mr. Rupert Lorimar, Vice-Chairperson, Wits/Vaal RDRC Mr. Phiroshaw Camay, Chairperson, Thokoza LDRC Mr. Mike Been, member: Alexandra Crisis Committee Mr. Deon Rudman, Executive Director, National Peace Secretariat
Boerestaat Party	Mr. Robert van Tonder, Leader of Delegation M C. Vermaak, Executive Member Mr. A. Terblanche, Executive Member Mr. D. Rautenbach, Executive Member Mr. G. Volschenk, Leader of the Boer Commandos

Afternoon

Meeting with State President followed by luncheon with him and members of the Cabinet in Pretoria

31 July 1992

Morning

South African Chamber of Business (SACOB)	Mr. Spenser Sterling, SACOB Vice-President; Chairman, South African Motor Corporation Mr. Les Weil, SACOB Vice-President; Chairman, J.H. Isaacs Group Ltd.

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	Mr. Raymond Parsons, SACOB Director-General Mr. Bokkie Botha, Chairman of the South African Employers' Consultative Committee on Labour Affairs; Vice-Chairman, SACOB Human Resources Committee Mr. Leslie Boyd, Deputy Chairman, Anglo American Corporation of South Africa Ltd.; Past President of SACOB Mr. Mervyn King, Chairman, Consolidated Frame Group; Senior Vice-President of Johannesburg Chamber of Commerce and Industry Mr. Reinhard Kunstler, Managing Director, BMW SA (Pty) Ltd. Mr. Denzil McGlashan, Director, Malbak Limited Mr. Clive Menell, Deputy Chairman, Anglovaal SA Ltd. Mr. Donald Ncube, Group Industrial Relations Consultant, Anglo American Corporation of South Africa Ltd. Mr. Mike Ntlatleng, Marketing Manager, Foundation for African Business and Consumer Services Mr. Conrad Strauss, Chairman, Standard Bank Mr. Willem van Wyk, Managing Director, Iron and Steel Corporation of South Africa Ltd.
Mr. H. J. Coetsee, Minister of Justice; and Mr. Thabo Mbeki, Director, International Affairs Department, ANC	
Solidarity Party	Mr. J. N. Reddy, Leader, accompanied by members of the Solidarity Party

Afternoon

Luncheon with newspaper editors hosted by Mr. Jim Jones, Editor of Business Day (Sunday Times; The Star; Rapport; Sowetan; Citizen; New Nation; Beeld; Business Day; City Press; Weekly Mail)	
Natal Indian Congress	Mr. F. M. Meer Mr. Zac Yacoob Mr. P. Gordhan

Depart for Airport